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Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS FOR GRADES OF PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS [1]

UNITED STATES STANDARDS FOR GRADES OF DRIED FIGS

On April 14, 1949 a notice of proposed rule making was published in the FEDERAL REGISTER (14 F. R. 1795) regarding a proposed revision of the United States Standards for Grades of Dried Figs. After consideration of all relevant matters, the following revised United States Standards for Grades of Dried Figs are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1950 (Pub. Law 146, 81st Cong., approved June 29, 1949):

§ 52.312 *Dried figs.* Dried figs are the fruit of the fig tree (Ficus carica) from which the greater portion of moisture has been removed. Before packing the dried figs have been thoroughly cleaned. The figs may or may not be sulphured or otherwise bleached.

(a) *Types (colors) of dried figs.* (1) "White" or "white figs" are white to dark brown in color and include such varieties as Calimyrna, Adriatic, and Kadota.

(2) "Black" or "black figs" are black or dark purple in color as in the Mission varieties.

(b) *Styles and types of packs of dried figs.* (1) "Whole" or "whole figs" means dried figs in the following types of packs:

(i) Style I (a), "Whole, loose, figs" are whole dried figs, not materially changed from their original dried form, that are packed without special arrangement in a container.

(ii) Style I (b), "Whole, pulled, figs" are whole dried figs which are changed from their original dried form by purposely flattening and shaping and are placed in a definite arrangement in a container. The dried figs may or may not be split slightly across the eye but are not split to the extent that the seed cavity is materially exposed.

(iii) Style I (c), "Whole, layered, figs" are whole dried figs which are changed from their original dried form by purposely flattening and shaping and are placed in a staggered-layer arrangement in a container. The figs are split across the base to the extent that the seed cavity may be materially exposed.

(2) Style II, "Sliced" or "sliced figs" means dried whole figs that are cut into slices not less than ¼ inch in thickness; such slices are not recut showing more than two cut surfaces.

(c) *Sizes of Style I (a), whole, loose, dried figs.* (1) The sizes of Style I (a), whole, loose, dried figs for the following varieties are:

BLACK MISSION

No. 1 size (Jumbo size)—$1\frac{5}{16}$ inches or larger in width.
No. 2 size (Extra Fancy size)—$1\frac{3}{16}$ inches to, but not including, $1\frac{5}{16}$ inches in width.
No. 3 size (Fancy size)—$1\frac{1}{16}$ inches to, but not including, $1\frac{3}{16}$ inches in width.
No. 4 size (Extra Choice size)—$\frac{15}{16}$ inch to, but not including, $1\frac{1}{16}$ inches in width.
No. 5 size (Choice size)—$\frac{13}{16}$ inch to, but not including, $\frac{15}{16}$ inch in width.
No. 6 size (Standard size)—less than $\frac{13}{16}$ inch in width.

ADRIATIC OR KADOTA

No. 1 size (Jumbo size)—$1\frac{5}{16}$ inches or larger in width.
No. 2 size (Extra Fancy size)—$1\frac{3}{16}$ inches to, but not including, $1\frac{5}{16}$ inches in width.
No. 3 size (Fancy size)—$1\frac{1}{16}$ inches to, but not including, $1\frac{3}{16}$ inches in width.
No. 4 size (Extra Choice size)—$\frac{15}{16}$ inches to, but not including, $1\frac{1}{16}$ inches in width.
No. 5 size (Choice size)—$\frac{13}{16}$ inch to, but not including, $\frac{15}{16}$ inch in width.
No. 6 size (Standard size)—Less than $\frac{13}{16}$ inch in width.

CALIMYRNA

No. 1 size (Jumbo)—$1\frac{9}{16}$ inches or larger in width.
No. 2 size (Extra Fancy size)—$1\frac{5}{16}$ inches to, but not including, $1\frac{9}{16}$ inches in width.
No. 3 size (Fancy size)—$1\frac{3}{16}$ inches to, but not including, $1\frac{5}{16}$ inches in width.
No. 4 size (Extra Choice size)—$1\frac{1}{16}$ inches to, but not including, $1\frac{3}{16}$ inches in width.
No. 5 size (Choice size)—$\frac{15}{16}$ inch to, but not including, $1\frac{1}{16}$ inches in width.

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[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

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FEDERAL REGISTER

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No. 6 size (Standard size)—Less than $^{15}/_{16}$ inch in width.

(2) In determining compliance with size requirements listed in subparagraph (1) of this paragraph, Style I (a), whole, loose, dried figs will be considered as of one size if not more than 10 percent by count of the figs varies from the size range. "Uniformity of size," as such, is not a requirement for Style I (a), whole, loose, dried figs.

(d) *Grades of dried figs (not for manufacturing).* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of dried figs that are of one variety; are well-matured with not more than 5 percent by count of reasonably well-matured dried figs; are practically uniform in size, except for Style I (a), whole, loose, figs and Style II, sliced figs; possess a practically uniform typical color; possess a good, distinct, typical, and normal dried fig flavor and odor; are free from foreign material; and do not exceed the maximum allowances and limitations as specified in Table No. I (Moisture), Table No. II (Defects: Styles I (a), I (b), and I (c), whole figs), or Table No. III (Defects: Style II, Sliced figs) of this section.

(2) "U. S. Grade B" or "U. S. Choice" is the quality of dried figs that are of one variety; are reasonably well-matured with not more than 10 percent by count of fairly well-matured dried figs; are reasonably uniform in size, except for Style I (a), whole, loose, figs and Style II, sliced figs; possess a reasonably uniform typical color; possess a reasonably good, distinct, typical, and normal dried fig flavor and odor; are free from foreign materials; and do not exceed the maximum allowances and limitations as specified in Table No. I (Moisture), Table No. IV (Defects: Styles I (a), I (b), and I (c), whole figs), or Table No. V (Defects: Style II, Sliced figs) of this section.

(3) "U. S. Grade C" or "U. S. Standard" is the quality of dried figs that are of one variety or of similar varieties; are fairly well-matured; are fairly uniform in size, except for Style I (a), whole, loose, figs and Style II, sliced figs; possess a fairly uniform typical color; possess a typical and normal dried fig flavor and odor; are free from foreign material; and do not exceed the maximum allowances and limitations as specified in Table No. I (Moisture), Table No. VI (Defects: Styles I (a), I (b), and I (c), whole figs), or Table No. VII (Defects: Style II, Sliced figs) of this section.

(4) "U. S. Grade D" or "Substandard" is the quality of dried figs that fail to meet the requirements of "U. S. Grade C" or "U. S. Standard."

(e) *Moisture allowances for grades (not for manufacturing) of dried figs.* (1) Dried figs shall not exceed the moisture limits for the grades, types, styles, and groups designated in Table No. I of this section. Moisture limits are not applicable to U. S. Grade D (not for manufacturing) or Substandard (not for manufacturing). Group I includes figs in containers which do not completely enclose and seal the figs; such containers include, but are not limited to, wood boxes or fiber boxes. Group II includes figs packaged in completely sealed packages; such containers include, but are not limited to, cellophane, pliofilm, metal-foil wrapped bags or cartons.

(i) In determining compliance with the moisture limits prescribed in Table No. I, samples which represent a specific lot of dried figs may possess one percent (1%) additional moisture, provided the average moisture for all samples is within the limits stated in Table No. I.

TABLE NO. I—MOISTURE ALLOWANCES FOR DRIED FIGS

Grades (not for manufacturing)	Types	Styles	Maximum moisture limits (by weight)	
			Group I	Group II
			Percent	*Percent*
U. S. Grade A or U. S. Fancy and U. S. Grade B or U. S. Choice and U. S. Grade C or U. S. Standard.	White	Whole	24	30
	do	Sliced	23	
	Black	Whole	23	30
	do	Sliced	23	
	Black and white (mixed)	Whole	23	30
	do	Sliced	23	

TABLE NO. II—ALLOWANCES FOR DEFECTS

[Style I (a), whole, loose, figs; style I (b), whole, pulled, figs; style I (c), whole, layered, figs]

Grade (not for manufacturing)	Total allowance, not more than a total of 10% [1]	Limited allowances		
		Not more than $^{3}/_{5}$ of the total or 6% [1]	Not more than $^{1}/_{10}$ of the total or 1% [1]	Not more than $^{1}/_{10}$ of the total or 1% [1]
U. S. Grade A or U. S. Fancy	Damaged by: Scars or disease. Sunburn. Insect injury. Mechanical injury Visible sugaring. Other similar defects Immature figs Affected by: Souring. Mold. Dirt. Affected by decay. Worthless figs.	Affected by: Souring. Mold. Dirt. Affected by decay. Worthless figs.	Affected by decay.	Worthless figs.

[1] Percentages are by count.

TABLE NO. III—ALLOWANCES FOR DEFECTS

[Style II, sliced figs]

Grade (not for manufacturing)	Total allowance, not more than a total of 10% [1]	Limited allowances		
		Not more than $^{3}/_{5}$ of the total or 6% [1]	Not more than $^{1}/_{10}$ of the total or 1% [1]	Not more than $^{1}/_{10}$ of the total or 1% [1]
U. S. Grade A or U. S. Fancy	Damaged by: Scars or disease. Sunburn. Insect injury. Visible sugaring. Other similar defects Immature figs. Affected by: Souring. Mold. Dirt. Affected by decay. Worthless figs.	Affected by: Souring. Mold. Dirt. Affected by decay. Worthless figs.	Affected by decay.	Worthless figs.

[1] Percentages are by count.

TABLE NO. IV—ALLOWANCES FOR DEFECTS

[Style I (a), whole, loose, figs.; style I (b), whole, pulled, figs.; style I (c), whole, layered, figs]

Grade (not for manufacturing)	Total allowance, not more than a total of 15% [1]	Limited allowances		
		Not more than 8/15 of the total or 8% [1]	Not more than 1/15 of the total or 1% [1]	Not more than 3/15 of the total or 2% [1]
U. S. Grade B or U. S. Choice	Damaged by: Scars or disease. Sunburn. Insect injury. Mechanical injury Visible sugaring. Other similar defects. Immature figs Affected by: Souring Mold Dirt. Affected by decay. Worthless figs.	Affected by: Souring Mold. Dirt. Affected by decay. Worthless figs.	Affected by decay	Worthless figs.

[1] Percentages are by count.

TABLE NO. V—ALLOWANCES FOR DEFECTS

[Style II, sliced figs]

Grade (not for manufacturing)	Total allowance, not more than a total of 15% [1]	Limited allowances		
		Not more than 8/15 of the total or 8% [1]	Not more than 1/15 of the total or 1% [1]	Not more than 3/15 of the total or 2% [1]
U. S. Grade B or U. S. Choice	Damaged by: Scars or disease. Sunburn. Insect injury. Visible sugaring. Other similar defects Immature figs. Affected by: Souring Mold. Dirt. Affected by decay. Worthless figs.	Affected by Souring Mold Dirt. Affected by decay. Worthless figs.	Affected by decay.	Worthless figs.

[1] Percentages are by count.

TABLE NO. VI—ALLOWANCES FOR DEFECTS

[Style I (a), whole, loose, figs; style I (b), whole, pulled, figs; style I (c), whole, layered, figs]

Grade (not for manufacturing)	Total allowance, not more than a total of 20% [1]	Limited allowances		
		Not more than 1/2 of the total or 10% [1]	Not more than 1/10 of the total or 2% [1]	Not more than 3/10 of the total or 3% [1]
U. S. Grade C or U. S. Standard	Seriously damaged by: Scars or disease. Damaged by: Scars or disease. Sunburn. Insect injury. Mechanical injury Visible sugaring. Other similar defects. Immature figs. Affected by: Souring. Mold. Dirt Affected by decay. Worthless figs.	Affected by: Souring. Mold. Dirt. Affected by decay. Worthless figs	Affected by decay.	Worthless figs.

[1] Percentages are by count.

TABLE NO. VII—ALLOWANCES FOR DEFECTS

[Style II, sliced figs]

Grade (not for manufacturing)	Total allowance, not more than a total of 20% [1]	Limited allowances		
		Not more than 1/2 of the total or 10% [1]	Not more than 1/10 of the total or 2% [1]	Not more than 3/10 of the total or 3% [1]
U. S. Grade C or U. S. Standard	Damaged by: Scars or disease. Sunburn. Insect injury. Visible sugaring. Other similar defects. Immature figs. Affected by: Souring. Mold. Dirt. Affected by decay. Worthless figs.	Affected by: Souring. Mold. Dirt. Affected by decay. Worthless figs.	Affected by decay.	Worthless figs.

[1] Percentages are by count.

(f) *Grades of dried figs for manufacturing.* (1) "U. S. Grade A for Manufacturing" or "U. S. Fancy for Manufacturing" is the quality of dried figs that are of one variety or similar varieties; are reasonably well-matured with not more than 5 percent by count of fairly well-matured figs; possess a reasonably uniform typical color; possess a good, distinct, typical, and normal dried fig flavor and odor; are free from foreign material; and do not exceed the maximum allowances and limitations as specified in Table No. VIII (Moisture); Table No. IX (Defects: Styles I (a), I (b), and I (c), whole figs); or Table No. X (Defects: Style II, sliced figs) of this section.

(2) "U. S. Grade B for Manufacturing" or "U. S. Choice for Manufacturing" is the quality of dried figs that are of one variety or mixed varietal types; are fairly well-matured; may possess a variable color; possess a reasonably good, distinct, typical and normal dried fig flavor and odor; are free from foreign material; and do not exceed the maximum allowances and limitations as specified in Table No. VIII (Moisture); Table No. XI (Defects: Styles I (a), I (b), and I (c), whole figs); or Table No. XII (Defects: Style II, sliced figs) of this section.

(3) "U. S. Grade D for Manufacturing" or "Substandard for Manufacturing" is the quality of dried figs that fail to meet the requirements of "U. S. Grade B for Manufacturing" or "U. S. Choice for Manufacturing."

(g) *Moisture allowances for grades for manufacturing of dried figs.* (1) Dried figs shall not exceed the moisture limits for the grades, types, styles, and groups designated in Table No. VIII of this section. Moisture limits are not applicable to U. S. Grade D for Manufacturing or Substandard for Manufacturing. Group I includes figs in containers which do not completely enclose and seal the figs; such containers include, but are not limited to, wood boxes or fiber boxes. Group II includes figs packaged in completely sealed packages; such containers include, but are not limited to, cellophane, pliofilm, metal-foil wrapped bags or cartons.

(i) In determining compliance with the moisture limits prescribed in Table No. VIII, samples which represent a specific lot of dried figs may possess one percent (1%) additional moisture, provided the average moisture for all samples is within the limits stated in Table No. VIII.

TABLE NO. VIII—MOISTURE ALLOWANCES FOR DRIED FIGS

Grades for manufacturing	Types	Styles	Maximum moisture limits (by weight)	
			Group I	Group II
			Percent	*Percent*
U. S. Grade A or U. S. Fancy and U. S. Grade B or U. S. Choice.	White	Whole	24	30
	do	Sliced	23	
	Black	Whole	23	30
	do	Sliced	23	
	Black and white (mixed)	Whole	23	30
	do	Sliced	23	

TABLE NO. IX—ALLOWANCES FOR DEFECTS

[Style I (a), whole, loose, figs; style I (b), whole, pulled, figs; style I (c), whole, layered, figs]

Grade for manufacturing	Total allowance, not more than a total of 15% [1]	Limited allowances		
		Not more than 8/15 of the total or 8% [1]	Not more than 1/15 of the total or 1% [1]	Not more than 1/15 of the total or 1% [1]
U. S. Grade A or U. S. Fancy	Seriously damaged by: Scars or disease. Damaged by: Scars or disease. Sunburn. Insect injury. Mechanical injury. Other similar defects Immature figs. Affected by: Souring. Mold. Dirt. Affected by decay. Worthless figs.	Affected by: Souring. Mold. Dirt. Affected by decay. Worthless figs.	Affected by decay.	Worthless figs.

[1] Percentages are by count.

TABLE NO. X—ALLOWANCES FOR DEFECTS

[Style II, sliced figs]

Grade for manufacturing	Total allowance, not more than a total of 10% [1]	Limited allowances		
		Not more than 4/5 of the total or 8% [1]	Not more than 1/5 of the total or 1% [1]	Not more than 1/5 of the total or 2% [1]
U. S. Grade A or U. S. Fancy	Damaged by: Scars or disease. Sunburn. Insect injury. Other similar defects. Immature figs. Affected by: Souring. Mold. Dirt. Affected by decay. Worthless figs.	Affected by: Souring. Mold. Dirt. Affected by decay. Worthless figs.	Affected by decay.	Worthless figs.

[1] Percentages are by count.

TABLE NO. XI—ALLOWANCES FOR DEFECTS

[Style I (a), whole, loose, figs; style I (b), whole, pulled, figs; style I (c), whole, layered, figs]

Grade for manufacturing	Total allowance, not more than a total of 30% [1]	Limited allowances		
		Not more than ½ of the total or 10% [1]	Not more than 1/15 of the total or 2% [1]	Not more than 1/10 of the total or 3% [1]
U. S. Grade B or U. S. Choice	Seriously damaged by: Scars or disease. Damaged by: Sunburn. Insect injury. Mechanical injury. Other similar defects. Immature figs. Affected by: Souring. Mold. Dirt. Affected by decay. Worthless figs.	Affected by: Souring. Mold. Dirt. Affected by decay. Worthless figs.	Affected by decay.	Worthless figs.

[1] Percentages are by count.

TABLE NO. XII—ALLOWANCES FOR DEFECTS

[Style II, sliced figs]

Grade for manufacturing	Total allowance, not more than a total of 20% [1]	Limited allowances		
		Not more than ½ of the total or 10% [1]	Not more than 1/10 of the total or 2% [1]	Not more than ¼ of the total or 5% [1]
U. S. Grade B or U. S. Choice	Damaged by: Scars or disease. Sunburn. Insect injury. Other similar defects. Immature figs. Affected by: Souring. Mold. Dirt. Affected by decay. Worthless figs.	Affected by: Souring. Mold. Dirt. Affected by decay. Worthless figs.	Affected by decay.	Worthless figs.

[1] Percentages are by count.

(h) *Definitions and explanation of terms*—(1) *Definitions of varying degrees of maturity.* (i) A "well-matured" dried fig means a dried fig which is well developed and in which the interior shows very good sugary tissue development that is sirupy and gumlike in consistency and texture.

(ii) A "reasonably well-matured" dried fig means a dried fig which is reasonably well developed and in which (*a*) the interior shows good sugary tissue development that is gummy but slightly fibrous in consistency and texture or (*b*) one-third or less of the interior of the fig may be entirely lacking in sugary tissue, provided that the remainder of the interior of the fig is sirupy and gumlike in consistency and texture.

(iii) A "fairly well-matured" dried fig means a dried fig which is fairly well developed and in which (*a*) the sugary tissue in the interior of the fig is gummy and fibrous in consistency and texture or (*b*) one-third or less of the interior of the fig may be entirely lacking in sugary tissue, provided that the remainder of the interior of the fig is gummy but slightly fibrous in consistency and texture or (*c*) more than one-third but less than one-half of the interior of the fig may be entirely lacking in sugary tissue, provided that the remainder of the interior of the fig is sirupy and gumlike in consistency and texture.

(iv) An "immature" fig is considered a defect (see subparagraph (4) (viii) of this paragraph).

(v) A "worthless" fig is considered a defect (see subparagraph (4) (xii) of this paragraph).

(2) *Definitions of varying degrees of uniformity of size.* Uniformity of size applies to Style I (b), whole, pulled, figs and Style I (c), whole, layered, figs, where the original shape has been materially changed.

(i) "Practically uniform in size" means that not more than a total of 10 percent by count of dried figs may be conspicuously larger or smaller than the approximate average size of the dried figs in the container.

(ii) "Reasonably uniform in size" means that not more than a total of 15 percent by count of dried figs may be conspicuously larger or smaller than the approximate average size of the dried figs in the container.

(iii) "Fairly uniform in size" means that not more than a total of 20 percent by count of dried figs may be conspicuously larger or smaller than the approximate average size of the dried figs in the container.

(3) *Definitions of varying degrees of uniformity of color.* (i) "Practically uniform typical color" means, with respect to white varieties of dried figs that are light in color, that there may be not more than 5 percent by count of dried figs that are markedly dark figs; and, with respect to white varieties that are dark in color, that there may be not more than 5 percent by count of dried figs that are markedly light-colored figs.

(ii) "Practically uniform typical color" means, with respect to black varieties of dried figs, that the color of the dried figs is a practically uniform natural black color and that dried figs affected by very light-colored scars which are not calloused and which, singly or in the aggregate on a whole dried fig, are less than one-half of the exterior surface of the dried fig do not exceed 10 percent by count of the dried figs.

(iii) "Reasonably uniform typical color" means, with respect to white varieties of dried figs that are light in color, that there may be not more than 10 percent by count of dried figs that are markedly dark figs; and, with respect to white varieties that are dark in color, that there may be not more than 10 percent by count of dried figs that are markedly light-colored figs.

(iv) "Reasonably uniform typical color" means, with respect to black varieties of dried figs, that the color of the dried figs is a reasonably uniform natural black color and that dried figs affected by very light-colored scars which are not calloused and which, singly or in the aggregate on a whole dried fig, are less than one-half of the exterior surface of the dried fig do not exceed 15 percent by count of the dried figs.

(v) "Fairly uniform typical color" means, with respect to white varieties of dried figs that are light in color or are very light green in color, that there may be not more than 20 percent by count of dried figs that are markedly dark figs;

and, with respect to white varieties that are dark in color, that there may be not more than 20 percent by count of dried figs that are markedly light-colored figs.

(vi) "Fairly uniform typical color" means, with respect to black varieties of dried figs, that the color of the dried figs is a fairly uniform natural black color and that dried figs affected by very light-colored scars which are not calloused and which, singly or in the aggregate on a whole dried fig, are less than one-half of the exterior surface of the dried fig do not exceed 20 percent by count of the dried figs.

(4) *Definitions of defects.* (i) "Damaged by scars or disease" means that the area of tough or calloused scars, singly or in the aggregate on a dried fig or portion of dried fig, is equal to, or exceeds, the area of a circle $\frac{3}{8}$ inch in diameter but is less than the area of a circle $\frac{1}{2}$ inch in diameter.

(ii) "Seriously damaged by scars or disease" means that the area of tough or calloused scars, singly or in the aggregate on a dried fig or portion of dried fig, is equal to, or exceeds, the area of a circle $\frac{1}{2}$ inch in diameter. Figs which possess very light-colored scars that are not calloused are considered as "seriously damaged by scars" if such scars, singly or in the aggregate on a whole dried fig, are equal to one-half or more of the exterior surface of the dried fig.

(iii) "Damaged by sunburn" means any substantial damage from excessive heat to the skin evidenced by dry and tough surface areas and which damage is accompanied by a lack of sugary tissue affecting one-third or more of the interior of a dried fig.

(iv) "Damaged by insect injury" means healed or unhealed surface blemishes or unhealed blemishes in the flesh which affect materially the appearance, edibility, or keeping quality of the dried figs.

(v) "Mechanical injury" means injury to the styles of whole dried figs as follows: (*a*) In Style I (a), Whole, loose, figs and Style I (b), Whole, pulled, figs, the seed tissue is mashed out beyond the outer wall or there are excessive skin breaks which affect materially the appearance of the dried figs for the applicable style; (*b*) in Style I (c), Whole, layered, figs, there are excessive skin breaks (other than the normal splitting for the style) to the extent that a dried fig cannot be identified as a whole, layered, fig.

(vi) "Damaged by visible sugaring" means white sugar crystals which form on the exterior surface of a dried fig so as to damage materially the appearance. Units showing a few lightly sugared spots are not considered as "damaged by visible sugaring."

(vii) "Damaged by other similar defects" includes any injury or defect not specifically mentioned which affects materially the appearance, edibility, or keeping quality of the dried figs, except that stems which attach the fig to the twig of the tree are not considered as "other similar defects."

(viii) An "immature" fig means a fig which does not meet the requirements of "fairly well-matured" (see subparagraph (1) (iii) of this paragraph) but is not worthless.

(ix) "Affected by souring" means that a dried fig is (*a*) fermented, as evidenced by a distinct sour taste or odor or by the darkening in color characteristic of fermentation or souring; or (*b*) infested with internal rot (endosepsis).

(x) "Affected by mold" means that a dried fig shows a moldy or smutty condition, singly or in the aggregate on a dried fig or portion of dried fig, that is equal to, or exceeds, the area of a circle $\frac{3}{16}$ inch in diameter.

(xi) "Affected by decay" means that the flesh is decomposed by rot.

(xii) A "worthless" fig means a fig which is tough and fibrous and may contain a trace of sugary tissue.

(5) *Definition of varying degrees of flavor and odor.* (i) "Good, distinct, typical, and normal dried fig flavor and odor" means a clean and distinct dried fig flavor and odor free from any flavors or odors such as are characteristic of scorching or caramelization and free from other slight abnormal flavors or odors.

(ii) "Reasonably good, distinct, typical, and normal dried fig flavor and odor" means a clean and distinct dried fig flavor and odor which may possess very slight flavors or odors such as are characteristic of scorching or caramelization or may possess other very slight abnormal flavors or odors.

(iii) "Typical and normal dried fig flavor and odor" means a clean and distinct dried fig flavor and odor which may possess slight flavors or odors such as are characteristic of scorching or caramelization but may not possess any flavor in amounts resulting in objectionable or off-flavors.

(i) *Work sheet for grades (not for manufacturing) of dried figs.*

Size and kind of container	------
Container mark or identification	------
Label or brand	------
Net weight	------
Type (color)	------
Style (type of pack)	------
Size or sizes (Whole, loose, figs)	------
Moisture content	------
Varietal characteristics:	
Similar ____ Mixed	------
Uniformity of color:	
White: Marked variation from Light ____ Dark	____%
Black: _____ Natural Black ____	____%
Very light scars (uncalloused, etc.)	____%
Uniformity of size: (Whole, pulled and layered) Conspicuously larger ____; smaller	____%
Maturity and development:	
(A Well-matured	____%
(B) Reasonably well-matured	____%
(C) Fairly well-matured	____%
Flavor and odor: (A), (B), (C)	------
Count (per sample):	
Worthless figs	____%
Affected by decay	____%
Affected by souring, mold	____%
Dirt	____%
Subtotal above defects	____%
Seriously damaged by scars or disease [1]	____%
Damaged by scars or disease [2]	____%
Mechanical injury [3]	____%
Damaged by sunburn, insect injury, visible sugaring, other similar defects, and immature figs	____%
Grand total all defects	____%
U. S. Grade (including all factors)	------

[1] "Seriously damaged by scars or disease" applies to U. S. Grade C (not for manufacturing) or U. S. Standard (not for manufacturing) in Style I (a), Whole, loose, figs; Style I (b), Whole, pulled, figs; and I (c), Whole, layered, figs.

[2] No limit for "damaged by scars or disease" in U. S. Grade B for Manufacturing or U. S. Choice for Manufacturing in Style I (a), Whole, loose, figs; Style I (b), Whole, pulled, figs; and Style I (c), Whole, layered, figs.

[3] "Damaged by mechanical injury" is not applicable to any grade of Style II, sliced figs.

(j) *Work sheet for grades for manufacturing of dried figs.*

Size and kind of container	------
Container mark or identification	------
Label or brand	------
Net weight	------
Type (color)	------
Style (type of pack)	------
Size or sizes (whole, loose, figs)	------
Moisture content	------
Varietal characteristics:	
Similar ____ Mixed	------
Uniformity of color:	
White: Marked variation from Light ____ Dark	____%
Black: _____ Natural black _____	------
Very light scars (uncalloused, etc.)	____%
Maturity and development:	
(A) For Manufacturing — reasonably well-matured	____%
(B) For Manufacturing — fairly well-matured	____%
Flavor and odor: (A), (B)	------
Count (per sample):	
Worthless figs	____%
Affected by decay	____%
Affected by souring, mold	____%
Dirt	____%
Subtotal above defects	____%
Seriously damaged by scars or disease [1]	____%
Damaged by scars or disease [2]	____%
Mechanical injury [3]	____%
Damaged by sunburn, insect injury, other similar defects, and immature figs	____%
Grand total all defects	____%
U. S. Grade for manufacturing (including all factors)	------

[1] "Seriously damaged by scars or disease" applies to U. S. Grade A for Manufacturing or U. S. Fancy for Manufacturing and U. S. Grade B for Manufacturing or U. S. Choice for Manufacturing in Style I (a), Whole, loose, figs; Style I (b), Whole, pulled, figs; and Style I (c), Whole, layered, figs.

[2] No limit for "damaged by scars or disease" in U. S. Grade B for Manufacturing or U. S. Choice for Manufacturing in Style I (a), Whole, loose, figs; Style I (b), Whole, pulled, figs; and Style I (c), Whole, layered, figs.

[3] "Damaged by mechanical injury" is not applicable to any grade of Style II, sliced figs.

(k) *Effective time and supersedure.* The revised United States Standards for grades of dried figs (which are the second issue) contained in this section will become effective thirty days after the date of publication of these standards in the FEDERAL REGISTER.

(60 Stat. 1087; 7 U. S. C. 1621 et seq.; Pub. Law 146, 81st Cong., approved June 29, 1949)

Issued at Washington, D. C., this 26th day of July 1949.

[SEAL] S. R. NEWELL,
Acting Assistant Administrator Production and Marketing Administration.

[F. R. Doc. 49-6220; Filed, July 28, 1949; 8:59 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

Part 904—Milk in Greater Boston, Mass., Marketing Area

Order Suspending Certain Provisions

Pursuant to notice published in the Federal Register (14 F. R. 4521), consideration has been given to the suspension of certain provisions appearing in § 904.7 of the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area, hereinafter referred to as the "order."

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.), hereinafter referred to as the "act", and to the order, and after having considered all relevant information including the oral and written views filed pursuant to that notice, *It is hereby found and determined*, That:

1. The provisions appearing in § 904.7 (a) which read: "In determining the Class I price for each month the latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday, or legal holiday, the latest figures available on the next succeeding work day shall be used.";

2. Subparagraphs (1), (2), (3), (4), (6), and (7) of § 904.7 (a); and

3. The entire table appearing in § 904.7 (a) (5), except the provisions "Class I Price Per Hundredweight", the symbol "$", and the figure or price "5.43".

do not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order during the month of August 1949; and

In accordance with the Administrative Procedure Act (5 U. S. C., 1946 ed., 1001 et seq.), the giving of 30 days' prior notice of the effective date hereof is found to be impracticable, unnecessary, and contrary to the public interest in that it is necessary to make effective not later than August 1, 1949, this suspension order to reflect current marketing conditions, to facilitate, promote, and maintain the orderly marketing of milk produced for the Greater Boston, Massachusetts, marketing area, and to insure the production of an adequate supply of milk for that market for future months. The changes effected by this suspension do not require substantial or extensive preparation by the persons affected prior to the effective date. The time intervening between the date of issuance of this suspension and its effective date affords the persons affected a reasonable time to prepare for its effective date.

It is therefore ordered, That:

1. The provisions appearing in § 904.7 (a) which read: "In determining the Class I price for each month the latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday, or legal holiday, the latest figures available on the next succeeding work day shall be used.";

2. Subparagraphs (1), (2), (3), (4), (6), and (7) of § 904.7 (a); and

3. The entire table appearing in § 904.7 (a) (5), except the provisions "Class I Price Per Hundredweight", the symbol "$", and the figure or price "5.45".

be and hereby are suspended for the month of August 1949.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Issued at Washington, D. C., this 26th day of July, 1949.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-6187; Filed, July 28, 1949; 8:46 a. m.]

Part 927—Milk in New York Metropolitan Milk Marketing Area

Order Suspending Certain Provisions

Pursuant to notice published in the Federal Register (14 F. R. 4522), consideration has been given to the suspension of the following provisions appearing in § 927.5 (a) (1) of the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area, hereinafter referred to as the "order", with respect to all milk received from producers or cooperative associations of producers during the month of August 1949:

(1) The entire table appearing therein, except the provisions, "Dollars per cwt." and the figure or price "5.24"; and

(2) Subdivision (ii).

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and to the order, and after having considered all relevant information, including the written data, views, and arguments which were filed with the Hearing Clerk pursuant to the notice above referred to, it is hereby found and determined, that:

(a) The above-described provisions appearing in § 927.5 (a) (1) of the order do not tend to effectuate the declared policy of the act with respect to all milk received from producers or cooperative associations of producers during the month of August 1949; and

(b) In accordance with the Administrative Procedure Act (5 U. S. C. 1001 et seq.), the giving of 30 days' prior notice of the effective date hereof is found to be impracticable, unnecessary, and contrary to the public interest in that it is necessary to make effective not later than August 1, 1949, this suspension order to reflect current marketing conditions, to facilitate, promote, and maintain the orderly marketing of milk produced for the New York metropolitan milk marketing area, and to insure the production of an adequate supply of milk for that market for future months. Notice of consideration of this suspension action was published in the Federal Register on July 20, 1949 (14 F. R. 4522). The changes effected by this suspension do not require substantial or extensive preparation by the persons affected prior to the effective date. The time intervening between the date of issuance of this suspension and its effective date affords the persons affected a reasonable time to prepare for its effective date.

It is therefore ordered, That, the following provisions appearing in § 927.5 (a) (1) of the order be and hereby are suspended with respect to all milk received from producers or cooperative associations of producers during the month of August 1949:

(1) The entire table appearing therein, except the provisions, "Dollars per cwt." and the figure or price "5.24"; and

(2) Subdivision (ii).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Issued at Washington, D. C., this 26th day of July 1949.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-6190; Filed, July 28, 1949; 8:47 a. m.]

Part 934—Milk in Lowell-Lawrence, Mass., Marketing Area

Order Suspending Certain Provisions

Pursuant to notice published in the Federal Register (14 F. R. 4521), consideration has been given to the suspension of certain provisions appearing in § 934.6 of the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area, hereinafter referred to as the "order."

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.), hereinafter referred to as the "act", and to the order, and after having considered all relevant information including the oral and written views filed pursuant to that notice, it is hereby found and determined, that:

1. The provisions appearing in § 934.6 (a) which read: "In determining the Class I price for each month the latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday, or legal holiday, the latest figures available on the next succeeding work day shall be used.";

2. Subparagraphs (1), (2), (3), (4), (6), and (7) of § 934.6 (a); and

3. The entire table appearing in § 934.6 (a) (5), except the provisions "Class I Price Per Hundredweight", the symbol "$", and the figure or price "5.95".

do not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order during the month of August 1949; and

In accordance with the Administrative Procedure Act (5 U. S. C., 1946 ed., 1001 et seq.), the giving of 30 days' prior notice of the effective date hereof is

found to be impracticable, unnecessary, and contrary to the public interest in that it is necessary to make effective not later than August 1, 1949, this suspension order to reflect current marketing conditions, to facilitate, promote, and maintain the orderly marketing of milk produced for the Lowell-Lawrence, Massachusetts, marketing area, and to insure the production of an adequate supply of milk for that market for future months. The changes effected by this suspension do not require substantial or extensive preparation by the persons affected prior to the effective date. The time intervening between the date of issuance of this suspension and its effective date affords the persons affected a reasonable time to prepare for its effective date.

It is therefore ordered, That:

1. The provisions appearing in § 934.6 (a) which read: "In determining the Class I price for each month the latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday, or legal holiday, the latest figures available on the next succeeding work day shall be used.";

2. Subparagraphs (1), (2), (3), (4), (6), and (7) of § 934.6 (a); and

3. The entire table appearing in § 934.6 (a) (5), except the provisions "Class I Price Per Hundredweight", the symbol "$", and the figure or price "5.95"

be and hereby are suspended for the month of August 1949.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Issued at Washington, D. C., this 26th day of July 1949.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-6189; Filed, July 28, 1949; 8:47 a. m.]

PART 947—MILK IN FALL RIVER, MASS., MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to notice published in the FEDERAL REGISTER (14 F. R. 4521), consideration has been given to the suspension of certain provisions appearing in § 947.6 of the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area, hereinafter referred to as the "order."

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.), hereinafter referred to as the "act", and to the order, and after having considered all relevant information including the oral and written views filed pursuant to that notice, it is hereby found and determined, that:

1. The provisions appearing in § 947.6 (a) which read: "In determining the Class I price for each month the latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday, or legal holiday, the latest figures available on the next succeeding work day shall be used.";

2. Subparagraphs (1), (2), (3), (4), (6), and (7) of § 947.6 (a); and

3. The entire table appearing in § 947.6 (a) (5), except the provisions "Class I Price Per Hundredweight", the symbol "$", and the figure or price "6.18"

do not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order during the month of August 1949; and

In accordance with the Administrative Procedure Act (5 U. S. C., 1948 ed., 1001 et seq.), the giving of 30 days' prior notice of the effective date hereof is found to be impracticable, unnecessary, and contrary to the public interest in that it is necessary to make effective not later than August 1, 1949, this suspension order to reflect current marketing conditions, to facilitate, promote, and maintain the orderly marketing of milk produced for the Fall River, Massachusetts, marketing area, and to insure the production of an adequate supply of milk for that market for future months. The changes effected by this suspension do not require substantial or extensive preparation by the persons affected prior to the effective date. The time intervening between the date of issuance of this suspension and its effective date affords the persons affected a reasonable time to prepare for its effective date.

It is therefore ordered, That:

1. The provisions appearing in § 947.6 (a) which read: "In determining the Class I price for each month the latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday, or legal holiday, the latest figures available on the next succeeding work day shall be used.";

2. Subparagraphs (1), (2), (3), (4), (6), and (7) of § 947.6 (a); and

3. The entire table appearing in § 947.6 (a) (5), except the provisions "Class I Price Per Hundredweight", the symbol "$", and the figure or price "6.18"

be and hereby are suspended for the month of August 1949.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Issued at Washington, D. C., this 26th day of July 1949.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-6188; Filed, July 28, 1949; 8:46 a. m.]

PART 958—IRISH POTATOES GROWN IN COLORADO

EXEMPTION CERTIFICATES

The following procedural rules relating to the issuance of exemption certificates under Marketing Agreement No. 97 and Order No. 58 (7 CFR 958.1 et seq.), adopted and submitted for approval by each of the three area committees established pursuant to said marketing agreement and order, will tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and they are, therefore, hereby approved.

It is hereby further found and determined that it is impractical and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this order until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that:

(i) Issuance of the following procedural rules is, by the provisions of Order No. 58, a condition precedent to the issuance of regulations under § 958.3 of said order;

(ii) Shipments of potatoes grown in the production area covered by Order No. 58, have already begun and the regulation thereof is urgently needed;

(iii) The time intervening between the date when information upon which these procedural rules are based became available and the time when such rules must become effective in order to effectuate the declared policy of the act, is insufficient to allow usual notice;

(iv) Compliance with these procedural rules will not require any special preparation on the part of applicants for exemption certificates; and

(v) The following procedural rules must be approved and made effective immediately to enable the committees to perform their duties and functions under said agreement and order.

Sec.
958.101 Application for exemption certificates.
958.102 Federal-State inspection reports.
958.103 Issuance of exemption certificates.

AUTHORITY: §§ 958.101 to 958.103 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c.

§ 958.101 *Application for exemption certificates.* Any producer applying for exemption from any grade and size regulations issued under said marketing agreement and order shall make application to the respective area committee for the area in which such applicant's potatoes were grown or are stored on forms to be furnished by such area committee. Such application shall state or include:

(a) The name and address of the applicant for exemption;

(b) The location, or locations, of the potatoes with respect to which exemption is requested;

(c) The total estimated quantity of potatoes produced by the applicant for the current season, stated in hundredweights, by varieties, grades, and sizes, but exclusive of culls;

(d) The estimated percentage of the applicant's potato crop which cannot be shipped because of grade and size regulations then in effect;

(e) The quantity of potatoes of each variety (not including culls) which has already been sold or otherwise shipped during the current marketing season;

(f) The signature of the applicant and certification that the statements given in the application are true and correct; and

(g) Such additional information as the area committee may find necessary in making a determination regarding the granting of an exemption certificate.

§ 958.102 *Federal-State inspection reports.* Each application for exemption shall be accompanied by a written report of a Federal-State Inspector, which shall contain the following:

(a) A statement by the inspector that he personally inspected the potatoes with respect to which exemption is requested, and that he took a representative sample of such potatoes;

(b) A statement of the percentage of such potatoes, excluding culls, which meets the requirements of the grade and size regulation then in effect;

(c) A statement of the defects or damage causing such potatoes to fail to meet such grade and size requirements.

In the event that more than one variety of potatoes is being regulated the above percentage shall be determined separately for each variety of the applicant's potatoes. The cost of such Federal-State inspection and report shall be borne by the applicant for exemption.

§ 958.103 *Issuance of exemption certificates.* (a) The respective area committee receiving an application for exemption shall give prompt consideration to all statements and facts relating to such application and shall determine from such statements and facts, and from the applicable terms of the marketing agreement and order, whether the application is approved. The determination, if favorable, shall be evidenced by the issuance of a certificate of exemption pursuant to § 958.3 (d). If the applicant's request for exemption is denied, he shall be so notified in writing.

(b) Each certificate of exemption issued as provided herein shall contain the name and address of the applicant, the location of his farm or ranch, the location, or locations, of all potatoes remaining to be shipped, the total quantity of potatoes which may be shipped under the certificate of exemption, and such other information as the area committee may deem desirable.

(c) The committee may furnish each applicant receiving a certificate of exemption with an appropriate sub-certificate of exemption to identify each lot of exempted potatoes and such subcertificates shall be transferable with the respective lot of potatoes. Each applicant receiving a certificate of exemption shall report each shipment of potatoes made under such certificate to the respective area committee issuing the certificate. Such report shall state the name and address of the person to whom the potatoes were sold, the quantity sold, the date of transfer, and such other information as the committee may request.

Done at Washington, D. C., this 26th day of July 1949, to be effective on and after July 26, 1949.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-6219; Filed, July 28, 1949; 8:59 a. m.]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

MISCELLANEOUS AMENDMENTS

Correction

In Federal Register Document 49-5942, appearing at page 4515 of the issue for Wednesday, July 20, 1949, § 936.104 (a) (1) (iv) should read:

(iv) The grade or size regulation or the minimum standards of quality and maturity from which exemption is requested;

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Suchapter B—Economic Regulations

RECODIFICATION AND READOPTION OF REGULATIONS

CORRECTION

The following corrections should be made in the cross-reference table appearing in connection with the recodification and readoption of the Economic Regulations by the Civil Aeronautics Board (Regulations, Serial No. ER-146) appearing in the FEDERAL REGISTER of Wednesday, June 29, 1949, at page 3523 and page 3524:

1. Page 3523, second column, Part 223, 4th item: change "§ 222.4" to read "§ 223.4".

2. Page 3523, third column, Part 242, change:

From:	*To read:*
§ 202.1 (c) (1st paragraph)	§ 202.1 (b) (1st paragraph)
§ 202.1 (c) (1)	§ 202.1 (b) (1)
§ 202.1 (c) (2)	§ 202.1 (b) (2)
§ 202.1 (c) (3)	§ 202.1 (b) (3)
§ 202.1 (c) (4)	§ 202.1 (b) (4)

3. Page 3523, third column, Part 244, change:

From:	*To read:*
§ 202.1 (d) (1)	§ 202.1 (c) (1)
§ 202.1 (d) (2)	§ 202.1 (c) (2)

4. Page 3524, first column, Part 293, 1st line change "§ 292.1" to read "§ 292.3" and 1st item change "§ 292.1" to read "§ 292.3".

5. Page 3524, second column, Part 295, 1st item, change "§ 292.5 (b) (part only)" to read "§ 292.5 (b) and (c) (part only)".

6. Page 3524, first column, Part 296, 16th item, change "§ 292. (g)" to read "§ 292.6 (g)".

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 49-6191; Filed, July 28, 1949; 8:47 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5628]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ALFRED J. HARRIS ET AL.

Subpart—*Discriminating in price under Section 2, Clayton Act, as amended—Payment or acceptance of commission, brokerage or other compensation under 2 (c):* § 3.820 *Direct buyers.* In connection with the purchase of canned fruit, canned vegetables, canned fish, or other products, in commerce, receiving or accepting from any seller, directly or indirectly, anything of value as brokerage or commission, or any compensation, allowance, or discount in lieu thereof, upon purchases made for respondents' own account; prohibited.

(Sec. 2 (c), 49 Stat. 1527; 15 U. S. C., sec. 13 (c)) [Cease and desist order, Alfred J. Harris et al., Docket 5628, July 1, 1949]

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 1st day of July A. D. 1949.

In the Matter of Alfred J. Harris, an Individual Doing Business as A. J. Harris & Company, and as Smith Storage Company, Inc., Alfred J. Harris, Individually and as President of A. J. Harris & Company, Inc., A. J. Harris & Company, Inc., a Corporation Doing Business in Its Own Name and in the Name of Smith Storage Company, Inc.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondents, which answer admits all of the allegations contained in the complaint; and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of sub-section (c) of section 2 of the act of Congress entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (the Clayton Act), as amended by an act of Congress approved June 19, 1936 (the Robinson-Patman Act):

It is ordered, That the respondents, A. J. Harris & Company, Inc., a corporation doing business under its own name and under the name of Smith Storage Company, Inc., or doing business under any other name, and Alfred J. Harris, an individual doing business as A. J. Harris & Company and as Smith Storage Company, Inc., or doing business under any other name, and their respective officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the purchase of canned fruit, canned vegetables, canned fish, or other products, in commerce, as "commerce" is defined in the aforesaid Clayton Act as amended, do forthwith cease and desist from:

Receiving or accepting from any seller, directly or indirectly, anything of value as brokerage or commission, or any compensation, allowance, or discount in lieu thereof, upon purchases made for respondents' own account.

It is further ordered, That the repondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form

in which they have complied with this order.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 49-6192; Filed, July 28, 1949; 8:47 a. m.]

[Docket No. 5577]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

A. S. KREIDER SHOE CO.

Subpart—Advertising falsely or misleadingly: § 3.130 *Manufacture or preparation;* § 3.135 *Nature—Product or service;* § 3.170 *Qualities or properties of product or service.* In connection with the offering for sale, sale, or distribution of respondent's device now designated "Pollyanna Health Shoes", or any other device of substantially similar construction or performing similar functions irrespective of the designation applied thereto, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of said device, which advertisements represent, directly or by implication (a) that respondent's said device constitutes or is a "health" shoe; or (b) that the use of respondent's said device will keep feet healthy, prevent the development of abnormalities or deformities of the feet, or correct any disorders thereof; prohibited.

(Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, The A. S. Kreider Shoe Co., Docket 5577, June 21, 1949]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of June A. D. 1949.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, and stipulation as to the facts, in which stipulation respondent waived all intervening proceedure and further hearing as to the said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, The A. S. Kreider Shoe Co., a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of respondent's device now designated "Pollyanna Health Shoes," or any other device of substantially similar construction or performing similar functions irrespective of the designation applied thereto, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication:

(a) That respondent's said device constitutes or is a "health" shoe.

(b) That the use of respondent's said device will keep feet healthy, prevent the development of abnormalities or deformities of the feet, or correct any disorders or abnormalities of the feet.

2. Disseminating or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's devices, "Pollyanna Health Shoes," any advertisement which contains any of the representations prohibited in paragraph 1 hereof.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 49-6193; Filed, July 28, 1949; 8:47 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg.,[1] Amdt. 134]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

MISCELLANEOUS AMENDMENTS

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) is amended in the following respect:

1. The following new subdivisions are added at the end of § 825.1 (b) (1):

(vii) *Housing accommodations subject to national rent schedule of Army, Navy, or Air Force.* Housing accommodations rented by the Army, Navy or Air Force at a rent fixed by a national schedule of rents of the Army, Navy or Air Force.

(viii) *Charitable or educational institutions.* Housing accommodations operated by educational or charitable institutions and used in carrying out their educational or charitable purposes.

2. Subparagraph (2) of § 825.7 (c), entitled "Housing subject to rent schedule of War or Navy Department" is amended to read as follows:

(2) [Revoked.]

3. The third sentence of § 825.1 (b) (2) (i) (*b*) (3) is amended to read as follows: "Where different maximum rents are established for different terms of occupancy, the card or sign shall state that the maximum rent and services for a particular term of occupancy shall apply, if the tenant so requests, after the tenant has been in continuous occupancy in the hotel for that period of time."

4. Section 825.4 (f) (3) is amended to read as follows:

(3) On and after June 29, 1949, in the case of any hotel accommodations described in subparagraph (1) or (2) of this paragraph, the maximum rent and services for a particular term of occupancy shall apply, if the tenant so requests, after the tenant has been in continuous occupancy in the hotel for that period of time.

5. The first paragraph of § 825.4 (b) (2) is amended to read as follows:

(2) For housing accommodations concerning which a statutory lease has heretofore terminated or expired or hereafter terminates or expires, the maximum rent shall be the rent set forth in such lease, plus or minus adjustments under § 825.5: *Provided, however*, That if immediately prior to the execution of any such statutory lease alternate maximum rents were in effect for the housing accommodations covered by such lease, the maximum rent for each alternative not referred to in the lease shall be determined as if it had been included in such lease: *And provided further*, That if such housing accommodations are in a defense-rental area in which a general increase in maximum rents has been or is hereafter granted, the maximum rent shall be such lease rent plus or minus adjustments under § 825.5, or the maximum rent in the absence of a lease, whichever is higher.

6. Paragraph (a) (13) of § 825.5 (a) is amended to read as follows:

(13) *Company housing accommodations.* The housing accommodations are company housing accommodations, and at a time subsequent to the date determining the maximum rent the landlord and tenant agreed, as a result of a continuous process of bargaining on interrelated matters, upon a wage increase and a rent increase, and the wage increase agreed upon has been put into effect.

The adjustment under this paragraph (a) (13) shall be on the basis of the rent so agreed upon by the landlord and tenant, but the adjusted maximum rent may not exceed the amount which the Expediter finds was generally prevailing in the defense-rental area for comparable non-company housing accommodations on the maximum rent date.

For purposes of this paragraph (a) (13), the term "company housing accommodations" means housing accommodations which are regularly rented to employees of the landlord.

7. In paragraphs (c) and (e) of § 825.4, and in paragraphs (b) (2), (b) (3) and (c) (1) of § 825.5, the words "Revised

[1] 13 F. R. 5706, 5788, 5789, 5877, 5937, 6246, 6283, 6411, 6556, 6881, 6910, 7299, 7671, 7801, 7862, 8217, 8218, 8327, 8386; 14 F. R. 17, 93, 143, 271, 337, 456, 627, 682, 695, 856, 918, 979, 1005, 1083, 1345, 1394, 1519, 1570, 1571, 1587, 1666, 1667, 1733, 1760, 1823, 1868, 1932, 2059, 2060, 2084, 2176, 2233, 2412, 2441, 2545, 2605, 2607, 2608, 2695, 2746, 2761, 2796, 2897, 3079, 3120, 3152, 3200, 3234, 3280, 3311, 3353, 3399, 3451, 3467, 3494, 3556, 3617, 3672, 3673, 3704, 3705, 3745, 3773, 3813, 3848, 3992, 4481, 4450, 4451.

Rent Procedural Regulation 1" are changed to "Revised Rent Procedural Regulation 1 or Rent Procedural Regulation 2".

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This amendment shall become effective July 29, 1949.

Issued this 26th day of July 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-6203; Filed, July 28, 1949; 8:52 a. m.]

[Controlled Housing Rent Reg.,[1] Amdt. 135]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CALIFORNIA, INDIANA AND WASHINGTON

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) is amended in the following respects:

1. Schedule A, Item 30, is amended to describe the counties in the Defense-Rental Area as follows:

Orange County, except the cities of Laguna Beach and Newport Beach, and except that portion lying south of the south line of Township Six south, Range Eight west, San Bernadino Base and Meridian, and the easterly and westerly prolongation of said south line; and Los Angeles County, except Catalina Township and the City of Covina.

This decontrols from §§ 825.1 to 825.12 the City of Covina in Los Angeles County, California, a portion of the Los Angeles, California, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

2. Schedule A, Item 97, is amended to describe the counties in the Defense-Rental Area as follows:

Bartholomew, Morgan, and in Shelby County, the Township of Addison.

In Lawrence County, the Townships of Shawswick and Marion.

Jackson.

This decontrols from §§ 825.1 to 825.12 (1) the City of Franklin in Johnson County, Indiana, a portion of the Columbus, Indiana, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remainder of said Johnson County, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

3. Schedule A, Item 353, is amended to read as follows:

(353) [Revoked and decontrolled.]

This decontrols from §§ 825.1 to 825.12 the entire Spokane, Washington, Defense-Rental Area consisting of Spokane County, Washington, on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94 Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d). Applies sec. 204, 61 Stat. 197, as amended by 62 Stat. 37, by 62 Stat. 94 and by Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894)

This amendment shall become effective July 25, 1949.

Issued this 25th day of July 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-6204; Filed, July 28, 1949; 8:52 a. m.]

[Controlled Housing Rent Reg. New York City Defense-Rental Area,[1] Amdt. 21]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

NEW YORK CITY

The Controlled Housing Rent Regulation for New York City Defense-Rental Area (§§ 825.21 to 825.32) is amended in the following respects:

1. The following new subdivisions are added at the end of § 825.21 (b) (1).

(vii) *Housing accommodations subject to national rent schedule of Army, Navy or Air Force.* Housing accommodations rented by the Army, Navy or Air Force at a rent fixed by a national schedule of rents of the Army, Navy or Air Force.

(viii) *Charitable or educational institutions.* Housing accommodations operated by educational or charitable institutions and used in carrying out their educational or charitable purposes.

2. Subparagraph (2) of § 825.27 (c), entitled "Housing subject to rent schedule of War or Navy Department" is amended to read as follows:

(2) [Revoked.]

3. The third sentence of § 825.21 (b) (2) (i) (b) (3) is amended to read as follows: "Where different maximum rents are established for different terms of occupancy, the card or sign shall state that the maximum rent and services for a particular term of occupancy shall apply, if the tenant so requests, after the tenant has been in continuous occupancy in the hotel for that period of time."

4. Section 825.24 (f) (3) is amended to read as follows:

(3) On and after June 29, 1949, in the case of any hotel accommodations described in subparagraph (1) or (2) of this paragraph, the maximum rent and services for a particular term of occupancy shall apply, if the tenant so requests, after the tenant has been in continuous occupancy in the hotel for that period of time.

5. The first paragraph of § 825.24 (b) (2) is amended to read as follows:

(2) For housing accommodations concerning which a statutory lease has heretofore terminated or expired or hereafter terminates or expires, the maximum rent shall be the rent set forth in such lease, plus or minus adjustments under § 825.25: *Provided, however,* That if immediately prior to the execution of any such statutory lease alternate maximum rents were in effect for the housing accommodations covered by such lease, the maximum rent for each alternative not referred to in the lease shall be determined as if it had been included in such lease: *And provided further,* That if such housing accommodations are in a defense-rental area in which a general increase in maximum rents has been or is hereafter granted, the maximum rent shall be such lease rent plus or minus adjustments under § 825.25, or the maximum rent in the absence of a lease, whichever is higher.

6. Paragraph (a) (13) of § 825.25 (a) is amended to read as follows:

(13) *Company housing accommodations.* The housing accommodations are company housing accommodations, and at a time subsequent to the date determining the maximum rent the landlord and tenant agreed, as a result of a continuous process of bargaining on interrelated matters, upon a wage increase and a rent increase, and the wage increase agreed upon has been put into effect.

The adjustment under this paragraph (a) (13) shall be on the basis of the rent so agreed upon by the landlord and tenant, but the adjusted maximum rent may not exceed the amount which the Expediter finds was generally prevailing in the defense-rental area for comparable non-company housing accommodations on the maximum rent date.

For purposes of this paragraph (a) (13), the term "company housing accommodations" means housing accommodations which are regularly rented to employees of the landlord.

7. In paragraphs (c) and (e) of § 825.24, and in paragraphs (b) (2), (b) (3) and (c) (1) of § 825.25, the words "Revised Rent Procedural Regulation 1" are changed to "Revised Rent Procedural Regulation 1 or Rent Procedural Regulation 2".

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This amendment shall become effective July 29, 1949.

Issued this 26th day of July 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-6199; Filed, July 28, 1949; 8:51 a. m.]

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[1] 13 F. R. 5706, 5788, 5789, 5877, 5937, 6246, 6283, 6411, 6556, 6881, 6910, 7299, 7671, 7801, 7862, 8217, 8218, 8327, 8386; 14 F. R. 17, 93, 143, 271, 337, 456, 627, 682, 695, 856, 918, 979, 1005, 1083, 1345, 1394, 1519, 1570, 1571, 1587, 1666, 1667, 1733, 1760, 1823, 1868, 1932, 2059, 2060, 2084, 2176, 2233, 2412, 2441, 2545, 2605, 2607, 2608, 2695, 2746, 2761, 2796, 2897, 3079, 3120, 3152, 3200, 3234, 3280, 3311, 3353, 3399, 3451, 3467, 3494, 3556, 3617, 3672, 3673, 3704, 3705, 3745, 3773, 3813, 3848, 3992, 4481, 4550, 4551.

[1] 13 F. R. 5727, 8388; 14 F. R. 18, 93, 144, 1395, 1574, 1868, 2060, 2234, 2607, 3599, 3468, 3574, 3745.

[Controlled Housing Rent Reg., Miami Defense-Rental Area,[1] Amdt. 25]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

MIAMI

The Controlled Housing Rent Regulation for Miami Defense-Rental Area (§§ 825.41 to 825.52) is amended in the following respects:

1. The following new subdivisions are added at the end of § 825.41 (b) (1):

(vii) *Housing accommodations subject to national rent schedule of Army, Navy or Air Force.* Housing accommodations rented by the Army, Navy or Air Force at a rent fixed by a national schedule of rents of the Army, Navy or Air Force.

(viii) *Charitable or educational institutions.* Housing accommodations operated by educational or charitable institutions and used in carrying out their educational or charitable purposes.

2. Subparagraph (2) of § 825.47 (c), entitled "Housing subject to rent schedule of War or Navy Department" is amended to read as follows:

(2) [Revoked.]

3. The first paragraph of § 825.44 (b) (2) is amended to read as follows:

(2) For housing accommodations concerning which a statutory lease has heretofore terminated or expired or hereafter terminates or expires, the maximum rent shall be the rent set forth in such lease, plus or minus adjustments under § 825.45: *Provided, however,* That if immediately prior to the execution of any such statutory lease alternate maximum rents were in effect for the housing accommodations covered by such lease, the maximum rent for each alternative not referred to in the lease shall be determined as if it had been included in such lease: *And provided further,* That if such housing accommodations are in a defense-rental area in which a general increase in maximum rents has been or is hereafter granted, the maximum rent shall be such lease rent plus or minus adjustments under § 825.45, or the maximum rent in the absence of a lease, whichever is higher.

4. Paragraph (a) (13) of § 825.45 (a) is amended to read as follows:

(13) *Company housing accommodations.* The housing accommodations are company housing accommodations, and at a time subsequent to the date determining the maximum rent the landlord and tenant agreed, as a result of a continuous process of bargaining on interrelated matters, upon a wage increase and a rent increase, and the wage increase agreed upon has been put into effect.

The adjustment under this paragraph (a) (13) shall be on the basis of the rent so agreed upon by the landlord and tenant, but the adjusted maximum rent may not exceed the amount which the Expediter finds was generally prevailing in the defense-rental area for comparable non-company housing accommodations on the maximum rent date.

For purposes of this paragraph (a) (13), the term "company housing accommodations" means housing accommodations which are regularly rented to employees of the landlord.

5. In paragraphs (c) and (e) of § 825.44, and in paragraphs (b) (2), (b) (3) and (c) (1) of § 825.45, the words "Revised Rent Procedural Regulation 1" are changed to "Revised Rent Procedural Regulation 1 or Rent Procedural Regulation 2".

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This amendment shall become effective July 29, 1949.

Issued this 26th day of July 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-6200; Filed, July 28, 1949; 8:51 a. m.]

[Controlled Housing Rent Reg., Atlantic County Defense-Rental Area,[1] Amdt. 21]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

ATLANTIC COUNTY

The Controlled Housing Rent Regulation for Atlantic County (§§ 825.61 to 825.72) is amended in the following respects:

1. The following new subdivisions are added at the end of § 825.61 (b) (1):

(viii) *Housing accommodations subject to national rent schedule of Army, Navy or Air Force.* Housing accommodations rented by the Army, Navy or Air Force at a rent fixed by a national schedule of rents of the Army, Navy or Air Force.

(ix) *Charitable or educational institutions.* Housing accommodations operated by educational or charitable institutions and used in carrying out their educational or charitable purposes.

2. Subparagraph (2) of § 825.67 (c), entitled "Housing subject to rent schedule of War or Navy Department" is amended to read as follows:

(2) [Revoked.]

3. The first paragraph of § 825.64 (b) (2) is amended to read as follows:

(2) For housing accommodations concerning which a statutory lease has heretofore terminated or expired or hereafter terminates or expires, the maximum rent shall be the rent set forth in such lease, plus or minus adjustments under § 825.65: *Provided, however,* That if immediately prior to the execution of any such statutory lease alternate maximum rents were in effect for the housing accommodations covered by such lease, the maximum rent for each alternative not referred to in the lease shall be determined as if it had been included in such lease: *And provided further,* That if such housing accommodations are in a defense-rental area in which a general increase in maximum rents has been or is hereafter granted, the maximum rent shall be such lease rent plus or minus adjustments under § 825.65, or the maximum rent in the absence of a lease, whichever is higher.

4. Paragraph (a) (13) of § 825.65 (a) is amended to read as follows:

(13) *Company housing accommodations.* The housing accommodations are company housing accommodations, and at a time subsequent to the date determining the maximum rent the landlord and tenant agreed, as a result of a continuous process of bargaining on interrelated matters, upon a wage increase and a rent increase, and the wage increase agreed upon has been put into effect.

The adjustment under this paragraph (a) (13) shall be on the basis of the rent so agreed upon by the landlord and tenant, but the adjusted maximum rent may not exceed the amount which the Expediter finds was generally prevailing in the defense-rental area for comparable non-company housing accommodations on the maximum rent date.

For purposes of this paragraph (a) (13), the term "company housing accommodations" means housing accommodations which are regularly rented to employees of the landlord.

5. In paragraphs (c) and (e) of § 825.64, and in paragraphs (b) (2), (b) (3) and (c) (1) of § 825.65, the words "Revised Rent Procedural Regulation 1" are changed to "Revised Rent Procedural Regulation 1 or Rent Procedural Regulation 2".

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This amendment shall become effective July 29, 1949.

Issued this 26th day of July 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-6197; Filed, July 28, 1949; 8:51 a. m.]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg.,[1] Amdt. 130]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

MISCELLANEOUS AMENDMENTS

The Rent Regulation for Controlled Rooms in Rooming Houses and Other

[1] 13 F. R. 5735, 6246, 8389; 14 F. R. 20, 93, 145, 978, 1395, 1588, 1868, 2061, 2235, 2607, 2716, 3183, 3400, 3468, 3745.

[1] 13 F. R. 5743, 8390; 14 F. R. 19, 94, 145, 1395, 1577, 1868, 2061, 2175, 2235, 2607, 3400, 3468, 3746.

[1] 13 F. R. 5750, 5789, 5875, 5937, 5938, 6247, 6283, 6411, 6556, 6882, 6911, 7299, 7672, 7801, 7862, 8218, 8219, 8328, 8388; 14 F. R. 18, 272, 337, 457, 627, 682, 695, 857, 918, 978, 1083, 1345, 1520, 1570, 1582, 1587, 1669, 1670, 1734, 1759, 1869, 1932, 2061, 2062, 2085, 2176, 2237, 2413, 2440, 2441, 2545, 2607, 2608, 2695, 2746, 2761, 2796, 3079, 3121, 3153, 3201, 3234, 3280, 3311, 3353, 3400, 3451, 3468, 3494, 3555, 3617, 3675, 3705, 3746, 3772.

Establishments (§§ 825.81 to 825.92) is hereby amended in the following respect:

1. The following new subdivision is added at the end of § 825.81 (b) (1):

(viii) *Housing accommodations subject to national rent schedule of Army, Navy or Air Force.* Housing accommodations rented by the Army, Navy or Air Force at a rent fixed by a national schedule of rents of the Army, Navy, or Air Force.

2. Section 825.87 (d), entitled "Rooms subject to rent schedule of War or Navy Department" is amended to read as follows:

(d) [Revoked.]

3. The third sentence of § 825.81 (b) (2) (i) (*b*) (3) is amended to read as follows: "Where different maximum rents are established for different terms of occupancy, the card or sign shall state that the maximum rent and services for a particular term of occupancy shall apply, if the tenant so requests, after the tenant has been in continuous occupancy in the hotel for that period of time."

4. Section 825.84 (h) (3) is amended to read as follows:

(3) On and after June 29, 1949, in the case of any hotel accommodations described in subparagraph (1) or (2) of this paragraph (h), the maximum rent and services for a particular term of occupancy shall apply, if the tenant so requests, after the tenant has been in continuous occupancy in the hotel for that period of time.

5. The first paragraph of § 825.84 (b) (2) is amended to read as follows:

(2) For housing accommodations concerning which a statutory lease has heretofore terminated or expired or hereafter terminates or expires, the maximum rent shall be the rent set forth in such lease, plus or minus adjustments under § 825.85: *Provided, however,* That if immediately prior to the execution of any such statutory lease alternate maximum rents were in effect for the housing accommodations covered by such lease, the maximum rent for each alternative not referred to in the lease shall be determined as if it had been included in such lease: *And provided further,* That if such housing accommodations are in a defense-rental area in which a general increase in maximum rents has been or is hereafter granted, the maximum rent shall be such lease rent plus or minus adjustments under § 825.85, or the maximum rent in the absence of a lease, whichever is higher.

6. A new paragraph (a) (13) is added to § 825.85 to read as follows:

(13) *Company housing accommodation.* The rooms are company housing accommodations, and at a time subsequent to the date determining the maximum rent the landlord and tenant agreed, as a result of a continuous process of bargaining on interrelated matters, upon a wage increase and a rent increase, and the wage increase agreed upon has been put into effect.

The adjustment under this paragraph (a) (13) shall be on the basis of the rent so agreed upon by the landlord and the tenant, but the adjusted maximum rent may not exceed the amount which the Expediter finds was generally prevailing in the defense-rental area for comparable non-company housing accommodations on the maximum rent date.

For purposes of this paragraph (a) (13), the term "company housing accommodations" means rooms which are regularly rented to employees of the landlord.

7. In paragraphs (b) (2) and (c) (1) of § 825.85, the words "Revised Rent Procedural Regulation 1" are changed to "Revised Rent Procedural Regulation 1 or Rent Procedural Regulation 2".

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This amendment shall become effective July 29, 1949.

Issued this 26th day of July 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-6201; Filed, July 28, 1949; 8:51 a. m.]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg.,[1] Amdt. 131]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CALIFORNIA, INDIANA AND WASHINGTON

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) is amended in the following respects:

1. Schedule A, Item 30, is amended to describe the counties in the Defense-Rental Area as follows:

Orange County, except the cities of Laguna Beach and Newport Beach, and except that portion lying south of the south line of Township Six south, Range Eight west, San Bernardino Base and Meridian, and the easterly and westerly prolongation of said south line; and Los Angeles County, except Catalina Township and the City of Covina.

This decontrols from §§ 825.81 to 825.92 the City of Covina in Los Angeles County, California, a portion of the Los Angeles, California, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

2. Schedule A, Item 97, is amended to describe the counties in the Defense-Rental Area as follows:

Bartholomew, Morgan, and in Shelby County, the Township of Addison.
In Lawrence County, The Townships of Shawswick and Marion.
Jackson.

This decontrols from §§ 825.81 to 825.92 (1) the City of Franklin in Johnson County, Indiana, a portion of the Columbus, Indiana, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remainder of said Johnson County, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

3. Schedule A, Item 353, is amended to read as follows:

(353) [Revoked and decontrolled.]

This decontrols from §§ 825.81 to 825.92 the entire Spokane, Washington, Defense-Rental Area consisting of Spokane County, Washington, on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d). Applies sec. 204, 61 Stat. 197, as amended by 62 Stat. 37, by 62 Stat. 94 and by Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894)

This amendment shall become effective July 26, 1949.

Issued this 26th day of July 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-6202; Filed, July 28, 1949; 8:52 a. m.]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., New York City Defense-Rental Area,[1] Amdt. 18]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

NEW YORK CITY

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments in the New York City Defense-Rental Area (§§ 825.101 to 825.112) is amended in the following respects:

1. The following new subdivision is added at the end of § 825.101 (b) (1):

(viii) *Housing accommodations subject to national rent schedule of Army, Navy or Air Force.* Housing accommodations rented by the Army, Navy or Air Force at a rent fixed by a national schedule of the Army, Navy or Air Force.

2. Subparagraph (2) of § 827.107 (c), entitled "Housing subject to rent schedule of War or Navy Department" is amended to read as follows:

(2) [Revoked.]

3. The third sentence of § 825.101 (b) (2) (i) (*b*) (3) is amended to read as follows: "Where different maximum rents are established for different terms of occupancy, the card or sign shall state that the maximum rent and services for a particular term of occupancy shall apply, if the tenant so requests, after the tenant has been in continuous occupancy in the hotel for that period of time."

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[1] 13 F. R. 5750, 5789, 5875, 5937, 5938, 6247, 6283, 6411, 6556, 6882, 6911, 7299, 7672, 7801, 7862, 8218, 8219, 8328, 8388; 14 F. R. 18, 272, 337, 457, 627, 682, 695, 857, 918, 978, 1083, 1345, 1520, 1570, 1582, 1587, 1669, 1670, 1734, 1759, 1869, 1932, 2061, 2062, 2085, 2176, 2237, 2413, 2440, 2441, 2545, 2607, 2608, 2695, 2746, 2761, 2796, 3079, 3121, 3153, 3201, 3234, 3280, 3311, 3353, 3400, 3451, 3468, 3494, 3555, 3617, 3675, 3705, 3746, 3772, 3811, 3812, 3849, 3993, 4482, 4551, 4552.

[1] 13 F. R. 5770, 8391; 14 F. R. 19, 1580, 1869, 2062, 2238, 2608, 3401, 3469, 3676, 3746.

4. Section 825.104 (h) (3) is amended to read as follows:

(3) On and after June 29, 1949, in the case of any hotel accommodations described in subparagraph (1) or (2) of this paragraph (h), the maximum rent and services for a particular term of occupancy shall apply, if the tenant so requests, after the tenant has been in continuous occupancy in the hotel for that period of time.

5. The first paragraph of § 825.104 (b) (2) is amended to read as follows:

(2) For housing accommodations concerning which a statutory lease has heretofore terminated or expired or hereafter terminates or expires, the maximum rent shall be the rent set forth in such lease, plus or minus adjustments under § 825.105: *Provided, however,* That if immediately prior to the execution of any such statutory lease alternate maximum rents were in effect for the housing accommodations covered by such lease, the maximum rent for each alternative not referred to in the lease shall be determined as if it had been included in such lease: *And provided further,* That if such housing accommodations are in a defense-rental area in which a general increase in maximum rents has been or is hereafter granted, the maximum rent shall be such lease rent plus or minus adjustments under § 825.105, or the maximum rent in the absence of a lease, whichever is higher.

6. A new paragraph (a) (13) is added to § 825.105 to read as follows:

(13) *Company housing accommodations.* The rooms are company housing accommodations, and at a time subsequent to the date determining the maximum rent the landlord and tenant agreed, as a result of a continuous process of bargaining on interrelated matters, upon a wage increase and a rent increase, and the wage increase agreed upon has been put into effect.

The adjustment under this paragraph (a) (13) shall be on the basis of the rent so agreed upon by the landlord and tenant, but the adjusted maximum rent may not exceed the amount which the Expediter finds was generally prevailing in the defense-rental area for comparable non-company housing accommodations on the maximum rent date.

For purposes of this paragraph (a) (13), the term "company housing accommodations" means rooms which are regularly rented to employees of the landlord.

7. In paragraphs (b) (2) and (c) (1) of § 825.105, the words "Revised Rent Procedural Regulation 1" are changed to "Revised Rent Procedural Regulation 1 or Rent Procedural Regulation 2".

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This amendment shall become effective July 29, 1949.

Issued this 26th day of July 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-6196; Filed, July 28, 1949; 8:50 a. m.]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg.,[1] Miami Defense-Rental Area, Amdt. 21]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

MIAMI

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments in Miami Defense-Rental Area (§§ 825.121 to 825.132) is amended in the following respects:

1. The following new subdivision is added at the end of § 825.121 (b) (1):

(viii) *Housing accommodations subject to national rent schedule of Army, Navy or Air Force.* Housing accommodations rented by the Army, Navy or Air Force at a rent fixed by a national rent schedule of the Army, Navy or Air Force.

2. Section 825.127 (d), entitled "Housing subject to rent schedule of War or Navy Department" is amended to read as follows:

(2) [Revoked.]

3. The first paragraph of § 825.124 (b) (2) is amended to read as follows:

(2) For housing accommodations concerning which a statutory lease has heretofore terminated or expired or hereafter terminates or expires, the maximum rent shall be the rent set forth in such lease, plus or minus adjustments under § 825.125: *Provided, however,* That if immediately prior to the execution of any such statutory lease alternate maximum rents were in effect for the housing accommodations covered by such lease, the maximum rent for each alternative not referred to in the lease shall be determined as if it had been included in such lease: *And provided further,* That if such housing accommodations are in a defense-rental area in which a general increase in maximum rents has been or is hereafter granted, the maximum rent shall be such lease rent plus or minus adjustments under § 825.125, or the maximum rent in the absence of a lease, whichever is higher.

4. Paragraph (a) (12) is added to § 825.125 to read as follows:

(12) *Company housing accommodations.* The rooms are company housing accommodations, and at a time subsequent to the date determining the maximum rent the landlord and tenant agreed, as a result of a continuous process of bargaining on interrelated matters, upon a wage increase and a rent increase, and the wage increase agreed upon has been put into effect.

The adjustment under this paragraph (a) (12) shall be on the basis of the rent so agreed upon by the landlord and tenant, but the adjusted maximum rent may not exceed the amount which the Expediter finds was generally prevailing in the defense-rental area for comparable non-company housing accommodations on the maximum rent date.

For purposes of this paragraph (a) (12), the term "company housing accommodations" means rooms which are regularly rented to employees of the landlord.

5. In paragraphs (b) (2) and (c) (1) of § 825.125, the words "Revised Rent Procedural Regulation 1" are changed to "Revised Rent Procedural Regulation 1 or Rent Procedural Regulation 2".

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This amendment shall become effective July 29, 1949.

Issued this 26th day of July 1949.

TIGHE E. WOODS.
Housing Expediter.

[F. R. Doc. 49-6198; Filed, July 28, 1949; 8:51 a. m.]

[1] 13 F. R. 5777, 8392; 14 F. R. 20, 978, 1584, 1869, 2062, 2239, 2608, 2715, 3183, 3401, 3469, 3747.

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 694—MINIMUM WAGE RATES IN THE INDUSTRIES IN THE VIRGIN ISLANDS

In the matter of the recommendations of the Special Industry Committee for the Virgin Islands for minimum wage rates in the industries in the Virgin Islands.

On February 3, 1949, pursuant to section 5 (c) of the Fair Labor Standards Act of 1938, hereinafter referred to as the act, the Administrator of the Wage and Hour Division of the United States Department of Labor by Administrative Order No. 387 appointed a Special Industry Committee for the Virgin Islands, hereinafter called the Committee, and directed the Committee to proceed to investigate conditions and to recommend to the Administrator the minimum wage rates for employees in the industries in the Virgin Islands in accordance with the provisions of the act and rules and regulations promulgated thereunder.

The Special Industry Committee for the Virgin Islands included two disinterested persons representing the public, a like number of persons representing employers and a like number representing employees in the industries in the Virgin Islands, and the Committee was composed of residents of the Virgin Islands and of the United States outside of the Virgin Islands.

After investigating conditions in the industries in the Virgin Islands, the Committee filed with the Administrator a report containing the Committee's definitions of the industries in the Virgin Islands, and its recommendations for divisions and operational classifications within such industries and for separable minimum wage rates therefor.

Pursuant to notice published in the FEDERAL REGISTER and mailed to all interested persons, a public hearing upon the Committee's recommendations was held before me as Acting Administrator on July 7, 1949, at which all interested persons were given an opportunity to be heard.

An opportunity was provided for any interested person appearing at the hearing to submit proposed findings and conclusions within 15 days after the close of the hearing. No such proposed find-

Establishments (§§ 825.81 to 825.92) is hereby amended in the following respect:

1. The following new subdivision is added at the end of § 825.81 (b) (1):

(viii) *Housing accommodations subject to national rent schedule of Army, Navy or Air Force.* Housing accommodations rented by the Army, Navy or Air Force at a rent fixed by a national schedule of rents of the Army, Navy, or Air Force.

2. Section 825.87 (d), entitled "Rooms subject to rent schedule of War or Navy Department" is amended to read as follows:

(d) [Revoked.]

3. The third sentence of § 825.81 (b) (2) (i) (*b*) (3) is amended to read as follows: "Where different maximum rents are established for different terms of occupancy, the card or sign shall state that the maximum rent and services for a particular term of occupancy shall apply, if the tenant so requests, after the tenant has been in continuous occupancy in the hotel for that period of time."

4. Section 825.84 (h) (3) is amended to read as follows:

(3) On and after June 29, 1949, in the case of any hotel accommodations described in subparagraph (1) or (2) of this paragraph (h), the maximum rent and services for a particular term of occupancy shall apply, if the tenant so requests, after the tenant has been in continuous occupancy in the hotel for that period of time.

5. The first paragraph of § 825.84 (b) (2) is amended to read as follows:

(2) For housing accommodations concerning which a statutory lease has heretofore terminated or expired or hereafter terminates or expires, the maximum rent shall be the rent set forth in such lease, plus or minus adjustments under § 825.85: *Provided, however,* That if immediately prior to the execution of any such statutory lease alternate maximum rents were in effect for the housing accommodations covered by such lease, the maximum rent for each alternative not referred to in the lease shall be determined as if it had been included in such lease: *And provided further,* That if such housing accommodations are in a defense-rental area in which a general increase in maximum rents has been or is hereafter granted, the maximum rent shall be such lease rent plus or minus adjustments under § 825.85, or the maximum rent in the absence of a lease, whichever is higher.

6. A new paragraph (a) (13) is added to § 825.85 to read as follows:

(13) *Company housing accommodation.* The rooms are company housing accommodations, and at a time subsequent to the date determining the maximum rent the landlord and tenant agreed, as a result of a continuous process of bargaining on interrelated matters, upon a wage increase and a rent increase, and the wage increase agreed upon has been put into effect.

The adjustment under this paragraph (a) (13) shall be on the basis of the rent so agreed upon by the landlord and the tenant, but the adjusted maximum rent may not exceed the amount which the Expediter finds was generally prevailing in the defense-rental area for comparable non-company housing accommodations on the maximum rent date.

For purposes of this paragraph (a) (13), the term "company housing accommodations" means rooms which are regularly rented to employees of the landlord.

7. In paragraphs (b) (2) and (c) (1) of § 825.85, the words "Revised Rent Procedural Regulation 1" are changed to "Revised Rent Procedural Regulation 1 or Rent Procedural Regulation 2".

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This amendment shall become effective July 29, 1949.

Issued this 26th day of July 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-6201; Filed, July 28, 1949; 8:51 a. m.]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg.,[1] Amdt. 131]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CALIFORNIA, INDIANA AND WASHINGTON

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) is amended in the following respects:

1. Schedule A, Item 30, is amended to describe the counties in the Defense-Rental Area as follows:

Orange County, except the cities of Laguna Beach and Newport Beach, and except that portion lying south of the south line of Township Six south, Range Eight west, San Bernardino Base and Meridian, and the easterly and westerly prolongation of said south line; and Los Angeles County, except Catalina Township and the City of Covina.

This decontrols from §§ 825.81 to 825.92 the City of Covina in Los Angeles County, California, a portion of the Los Angeles, California, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

2. Schedule A, Item 97, is amended to describe the counties in the Defense-Rental Area as follows:

Bartholomew, Morgan, and in Shelby County, the Township of Addison.
In Lawrence County, The Townships of Shawswick and Marion.
Jackson.

This decontrols from §§ 825.81 to 825.92 (1) the City of Franklin in Johnson County, Indiana, a portion of the Columbus, Indiana, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended, and (2) the remainder of said Johnson County, on the Housing Expediter's own initiative in accordance with section 204 (c) of said act.

3. Schedule A, Item 353, is amended to read as follows:

(353) [Revoked and decontrolled.]

This decontrols from §§ 825.81 to 825.92 the entire Spokane, Washington, Defense-Rental Area consisting of Spokane County, Washington, on the Housing Expediter's own initiative in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d). Applies sec. 204, 61 Stat. 197, as amended by 62 Stat. 37, by 62 Stat. 94 and by Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894)

This amendment shall become effective July 26, 1949.

Issued this 26th day of July 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-6202; Filed, July 28, 1949; 8:52 a. m.]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., New York City Defense-Rental Area,[1] Amdt. 18]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

NEW YORK CITY

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments in the New York City Defense-Rental Area (§§ 825.101 to 825.112) is amended in the following respects:

1. The following new subdivision is added at the end of § 825.101 (b) (1):

(viii) *Housing accommodations subject to national rent schedule of Army, Navy or Air Force.* Housing accommodations rented by the Army, Navy or Air Force at a rent fixed by a national schedule of the Army, Navy or Air Force.

2. Subparagraph (2) of § 827.107 (c), entitled "Housing subject to rent schedule of War or Navy Department" is amended to read as follows:

(2) [Revoked.]

3. The third sentence of § 825.101 (b) (2) (i) (*b*) (3) is amended to read as follows: "Where different maximum rents are established for different terms of occupancy, the card or sign shall state that the maximum rent and services for a particular term of occupancy shall apply, if the tenant so requests, after the tenant has been in continuous occupancy in the hotel for that period of time."

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[1] 13 F. R. 5750, 5789, 5875, 5937, 5938, 6247, 6283, 6411, 6556, 6882, 6911, 7299, 7672, 7801, 7862, 8218, 8219, 8328, 8388; 14 F. R. 18, 272, 337, 457, 627, 682, 695, 857, 918, 978, 1083, 1345, 1520, 1570, 1582, 1587, 1669, 1670, 1734, 1759, 1869, 1932, 2061, 2062, 2085, 2176, 2237, 2413, 2440, 2441, 2545, 2607, 2608, 2695, 2746, 2761, 2796, 3079, 3121, 3153, 3201, 3234, 3280, 3311, 3353, 3400, 3451, 3468, 3494, 3555, 3617, 3675, 3705, 3746, 3772, 3811, 3812, 3849, 3993, 4482, 4551, 4552.

[1] 13 F. R. 5770, 8391; 14 F. R. 19, 1580, 1869, 2062, 2238, 2608, 3401, 3469, 3676, 3746.

4. Section 825.104 (h) (3) is amended to read as follows:

(3) On and after June 29, 1949, in the case of any hotel accommodations described in subparagraph (1) or (2) of this paragraph (h), the maximum rent and services for a particular term of occupancy shall apply, if the tenant so requests, after the tenant has been in continuous occupancy in the hotel for that period of time.

5. The first paragraph of § 825.104 (b) (2) is amended to read as follows:

(2) For housing accommodations concerning which a statutory lease has heretofore terminated or expired or hereafter terminates or expires, the maximum rent shall be the rent set forth in such lease, plus or minus adjustments under § 825.105: *Provided, however,* That if immediately prior to the execution of any such statutory lease alternate maximum rents were in effect for the housing accommodations covered by such lease, the maximum rent for each alternative not referred to in the lease shall be determined as if it had been included in such lease: *And provided further,* That if such housing accommodations are in a defense-rental area in which a general increase in maximum rents has been or is hereafter granted, the maximum rent shall be such lease rent plus or minus adjustments under § 825.105, or the maximum rent in the absence of a lease, whichever is higher.

6. A new paragraph (a) (13) is added to § 825.105 to read as follows:

(13) *Company housing accommodations.* The rooms are company housing accommodations, and at a time subsequent to the date determining the maximum rent the landlord and tenant agreed, as a result of a continuous process of bargaining on interrelated matters, upon a wage increase and a rent increase, and the wage increase agreed upon has been put into effect.

The adjustment under this paragraph (a) (13) shall be on the basis of the rent so agreed upon by the landlord and tenant, but the adjusted maximum rent may not exceed the amount which the Expediter finds was generally prevailing in the defense-rental area for comparable non-company housing accommodations on the maximum rent date.

For purposes of this paragraph (a) (13), the term "company housing accommodations" means rooms which are regularly rented to employees of the landlord.

7. In paragraphs (b) (2) and (c) (1) of § 825.105, the words "Revised Rent Procedural Regulation 1" are changed to "Revised Rent Procedural Regulation 1 or Rent Procedural Regulation 2".

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This amendment shall become effective July 29, 1949.

Issued this 26th day of July 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-6196; Filed, July 28, 1949; 8:50 a. m.]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg.,[1] Miami Defense-Rental Area, Amdt. 21]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

MIAMI

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments in Miami Defense-Rental Area (§§ 825.121 to 825.132) is amended in the following respects:

1. The following new subdivision is added at the end of § 825.121 (b) (1):

(viii) *Housing accommodations subject to national rent schedule of Army, Navy or Air Force.* Housing accommodations rented by the Army, Navy or Air Force at a rent fixed by a national rent schedule of the Army, Navy or Air Force.

2. Section 825.127 (d), entitled "Housing subject to rent schedule of War or Navy Department" is amended to read as follows:

(2) [Revoked.]

3. The first paragraph of § 825.124 (b) (2) is amended to read as follows:

(2) For housing accommodations concerning which a statutory lease has heretofore terminated or expired or hereafter terminates or expires, the maximum rent shall be the rent set forth in such lease, plus or minus adjustments under § 825.125: *Provided, however,* That if immediately prior to the execution of any such statutory lease alternate maximum rents were in effect for the housing accommodations covered by such lease, the maximum rent for each alternative not referred to in the lease shall be determined as if it had been included in such lease: *And provided further,* That if such housing accommodations are in a defense-rental area in which a general increase in maximum rents has been or is hereafter granted, the maximum rent shall be such lease rent plus or minus adjustments under § 825.125, or the maximum rent in the absence of a lease, whichever is higher.

4. Paragraph (a) (12) is added to § 825.125 to read as follows:

(12) *Company housing accommodations.* The rooms are company housing accommodations, and at a time subsequent to the date determining the maximum rent the landlord and tenant agreed, as a result of a continuous process of bargaining on interrelated matters, upon a wage increase and a rent increase, and the wage increase agreed upon has been put into effect.

The adjustment under this paragraph (a) (12) shall be on the basis of the rent so agreed upon by the landlord and tenant, but the adjusted maximum rent may not exceed the amount which the Expediter finds was generally prevailing in the defense-rental area for comparable non-company housing accommodations on the maximum rent date.

For purposes of this paragraph (a) (12), the term "company housing accommodations" means rooms which are regularly rented to employees of the landlord.

5. In paragraphs (b) (2) and (c) (1) of § 825.125, the words "Revised Rent Procedural Regulation 1" are changed to "Revised Rent Procedural Regulation 1 or Rent Procedural Regulation 2".

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This amendment shall become effective July 29, 1949.

Issued this 26th day of July 1949.

TIGHE E. WOODS.
Housing Expediter.

[F. R. Doc. 49-6198; Filed, July 28, 1949; 8:51 a. m.]

[1] 13 F. R. 5777, 8392; 14 F. R. 20, 978, 1584, 1869, 2062, 2239, 2608, 2715, 3183, 3401, 3469, 3747.

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 694—MINIMUM WAGE RATES IN THE INDUSTRIES IN THE VIRGIN ISLANDS

In the matter of the recommendations of the Special Industry Committee for the Virgin Islands for minimum wage rates in the industries in the Virgin Islands.

On February 3, 1949, pursuant to section 5 (c) of the Fair Labor Standards Act of 1938, hereinafter referred to as the act, the Administrator of the Wage and Hour Division of the United States Department of Labor by Administrative Order No. 387 appointed a Special Industry Committee for the Virgin Islands, hereinafter called the Committee, and directed the Committee to proceed to investigate conditions and to recommend to the Administrator the minimum wage rates for employees in the industries in the Virgin Islands in accordance with the provisions of the act and rules and regulations promulgated thereunder.

The Special Industry Committee for the Virgin Islands included two disinterested persons representing the public, a like number of persons representing employers and a like number representing employees in the industries in the Virgin Islands, and the Committee was composed of residents of the Virgin Islands and of the United States outside of the Virgin Islands.

After investigating conditions in the industries in the Virgin Islands, the Committee filed with the Administrator a report containing the Committee's definitions of the industries in the Virgin Islands, and its recommendations for divisions and operational classifications within such industries and for separable minimum wage rates therefor.

Pursuant to notice published in the FEDERAL REGISTER and mailed to all interested persons, a public hearing upon the Committee's recommendations was held before me as Acting Administrator on July 7, 1949, at which all interested persons were given an opportunity to be heard.

An opportunity was provided for any interested person appearing at the hearing to submit proposed findings and conclusions within 15 days after the close of the hearing. No such proposed find-

ings and conclusions have been filed, and the time for filing has expired.

Upon reviewing all the evidence adduced in this proceeding relating to the industries in the Virgin Islands and after giving consideration to the provisions of the act, particularly sections 5 and 8 thereof, I have concluded that the separable minimum wage recommendations of the Committee for the industries in the Virgin Islands, as defined by such Committee, are made in accordance with law, are supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of sections 5 and 8 of the act.

I have set forth my decision in an opinion entitled "Findings and Opinion of the Acting Administrator in the Matter of the Recommendations of the Special Industry Committee for the Virgin Islands for Minimum Wage Rates in the Industries in the Virgin Islands," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington 25, D. C.

Accordingly, the following order is hereby issued:

Sec.
694.1 Approval of Committee's recommendations.
694.2 Wage rates.
694.3 Notices of order.
694.4 Definitions of industries in the Virgin Islands.

AUTHORITY: §§ 694.1 to 694.4 issued under sec. 3 (c), 54 Stat. 615, sec. 8, 52 Stat. 1064; 29 U. S. C. 205 (c), 208.

§ 694.1 *Approval of Committee's recommendations.* The Committee's recommendations for the industries in the Virgin Islands are hereby approved.

§ 694.2 *Wage rates*—(a) *Alcoholic Beverages and Industrial Alcohol Industry.* Wages at a rate of not less than 35 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the Alcoholic Beverages and Industrial Alcohol Industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

(b) *Bay Rum and Other Toilet Preparations Industry.* Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the Bay Rum and Other Toilet Preparations Industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

(c) *Shipping and Transportation Industry.* (1) Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the General Division of the Shipping and Transportation Industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 30 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the Wind-Driven Vessel Division of the Shipping and Transportation Industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

(d) *Wholesaling and Property Motor Carrier Industry.* Wages at a rate of not less than 36 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the Wholesaling and Property Motor Carrier Industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

(e) *Banking, Insurance, and Real Estate Industry.* Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the Banking, Insurance, and Real Estate Industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

(f) *Newspaper and Printing Industry.* Wages at a rate of not less than 30 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the Newspaper and Printing Industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

(g) *Communications and Other Public Utilities Industry.* Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the Communications and Other Public Utilities Industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

(h) *Jewelry Industry.* Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the Jewelry Industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

(i) *Construction Industry.* Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the Construction Industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

(j) *Wearing Apparel Industry.* Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the Wearing Apparel Industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

(k) *Fruit and Vegetable Packing and Farm Products Assembling Industry.* Wages at a rate of not less than 30 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the Fruit and Vegetable Packing and Farm Products Assembling Industry in the Virgin Islands who is engaged in commerce on in the production of goods for commerce.

(l) *Doll Industry.* Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the Doll Industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

(m) *Furniture and Wooden Novelties Industry.* Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the Furniture and Wooden Novelties Industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

(n) *Ship and Boat Building and Equipment Industry.* Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the Ship and Boat Building and Equipment Industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

(o) *Hand-made Art Linen Industry.* Wages at not less than the following rates per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the Hand-Made Art Linen Industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce:

(1) For hand-sewing operations, wages at a rate of not less than 20 cents per hour.

(2) For all operations other than hand-sewing, wages at a rate of not less than 35 cents per hour.

(p) *Hand-Made Straw Goods Industry.* Wages at not less than the following rates per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the Hand-Made Straw Goods Industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce:

(1) For hand-weaving and hand-sewing operations, wages at a rate of not less than 15 cents per hour.

(2) For all operations other than hand-weaving and hand-sewing, wages at a rate of not less than 35 cents per hour.

(q) *Miscellaneous Industries.* Wages at a rate of not less than 35 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the Miscellaneous Industries in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

§ 694.3 *Notices of order.* Every employer employing any employee so engaged in commerce or in the production of goods for commerce in the industries in the Virgin Islands shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this Order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor, and shall give such other notice as the Division may prescribe.

§ 694.4 *Definitions of industries in the Virgin Islands.* The industries in the

Virgin Islands to which this part shall apply are hereby defined as follows:

(a) *Alcoholic Beverages and Industrial Alcohol Industry.* This industry shall include the manufacture of rum, whiskey, liqueurs, cordials, wine, beer, and other alcoholic beverages; and industrial alcohol.

(b) *Bay Rum and Other Toilet Preparations Industry.* This industry shall include the manufacture (including packaging) of bay oil, bay rum, perfumes, colognes, toilet waters, and other similar toilet preparations.

(c) *Shipping and Transportation Industry.* (1) This industry shall include the transportation of passengers and cargo by water or by air, and all activities in connection therewith, including, but not by way of limitation, the operations of common or contract carriers, the operation of piers, wharves, and docks, including bunkering, stevedoring, storage, and lighterage operations, and the operation of tourist bureaus, and travel and ticket agencies.

(2) The separable divisions of the Shipping and Transportation Industry are defined as follows:

(i) *General Division.* This division shall include all activities in the Shipping and Transportation Industry other than those included within the Wind-Driven Vessel Division.

(ii) *Wind-Driven Vessel Division.* This division shall include the transportation of cargo and passengers by vessels driven entirely by wind and having no auxiliary propulsion motors.

(d) *Wholesaling and Property Motor Carrier Industry.* This industry shall include the wholesaling, warehousing, and other distribution of commodities, including, but not by way of limitation, the activities of importers, exporters, wholesalers, public warehouses, and brokers and agents (except realty and financial), including mail order sales agencies and manufacturers' selling agencies; and the industry carried on by any common or contract carrier engaged in the transportation of property by motor vehicle.

(e) *Banking, Insurance, and Real Estate Industry.* This industry shall include the business carried on by any banking, insurance, financial, or real estate institution, agency, or enterprise.

(f) *Newspaper and Printing Industry.* This industry shall include the printing or publishing of newspapers, books, pamphlets, periodicals, and the like; and the printing of forms, blank books, stationery, tablets, tags, calendars, announcement and greeting cards, and all other printed products.

(g) *Communications and Other Public Utilities Industry.* This industry shall include the activities carried on by any wire or radio system of communication or by any messenger service; by any concern engaged in the production or distribution of gas or electricity; by any concern engaged in the distribution of water or the operation of sanitation facilities; and by any concern engaged in other public utility operations.

(h) *Jewelry Industry.* This industry shall include the manufacture, processing, or assembling of jewelry, commonly or commercially so known, in which metal is a substantial component.

(i) *Construction Industry.* This industry shall include the designing, construction, reconstruction, alteration, repair, and maintenance of buildings, structures, and other improvements, including, but not by way of limitation, factories, highways, bridges, sewers and water mains, irrigation canals and pipe lines, harbors, and airfields; the assembling at the construction site and the installation of machinery and other facilities in or upon such buildings, structures, and improvements; and the dismantling, wrecking or other demolition of such improvements and facilities.

Provided, however, That this industry shall not include construction carried on by persons, for their own use or occupancy, who are principally engaged in another industry.

(j) *Wearing Apparel Industry.* This industry shall include the manufacture of all wearing apparel except that made entirely by hand.

(k) *Fruit and Vegetable Packing and Farm Products Assembling Industry.* This industry shall include the assembling and preparing for market of fresh fruits and vegetables and other farm and related products.

(l) *Doll Industry.* This industry shall include the manufacture of machine-sewn doll's clothing and the preparation, assembling, and finishing of dolls with such clothing.

(m) *Furniture and Woolen Novelties Industry.* This industry shall include the manufacture, assembling, and finishing from wood, bamboo, and similar materials, of furniture, woodenware, and wooden novelties, including, but not by way of limitation, trays, bowls, tumblers, book ends, figures, and jewel and cigarette boxes.

(n) *Ship and Boat Building and Equipment Industry.* This industry shall include the building, repairing, and maintenance of ships and boats and the manufacture and repairing of sails, rope, fenders, and other marine equipment.

(o) *Hand-Made Art Linen Industry.* This industry shall include the manufacture from any woven material of hand-made handkerchiefs and hand-made household art linens, including, but not by way of limitation, table cloths, napkins, bridge sets, luncheon cloths, table covers, and towels.

(p) *Hand-Made Straw Goods Industry.* This industry shall include the manufacture by hand from straw, raffia, sisal, or similar materials, of hats, baskets, purses, mats, trays, or other articles.

(q) *Miscellaneous Industries.* This industry shall include the manufacture of ice, sugar, jams and jellies, cocoa butter, and flavoring extracts, the packing of meat, and all other industries not included in other specific industries defined herein.

This wage order shall become effective August 29, 1949.

Signed at Washington, D. C., this 22d day of July 1949.

F. GRANVILLE GRIMES, Jr.,
Acting Administrator.

[F. R. Doc. 49-6186; Filed, July 28, 1949; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Amdt. 7]

PART 670—RECORDS ADMINISTRATION IN FEDERAL RECORD DEPOTS

SUPPLYING INFORMATION FROM RECORDS

The Selective Service Regulations are hereby amended as follows:

1. Subparagraphs (11) and (19) of paragraph (b) of § 670.31 are amended to read as follows:

§ 670.31 *Supplying information to Federal agencies and officials.* * * *.

(b) * * *.

(11) *Treasury Department.* The Treasury Department may obtain such information upon the request of (i) the Secretary of the Treasury, (ii) the Commissioner of Customs, (iii) the Chief, United States Secret Service, (iv) the Chief, Intelligence Unit, Bureau of Internal Revenue, (v) the Commissioner, Bureau of Narcotics, (vi) the Deputy Commissioner, Alcohol Tax Unit, (vii) a Supervising Customs Agent, (viii) a Supervising Agent, Secret Service, (ix) a Special Agent in Charge, Intelligence Unit, Bureau of Internal Revenue, (x) a District Supervisor, Bureau of Narcotics, (xi) a District Supervisor, Alcohol Tax Unit, Bureau of Internal Revenue, (xii) an Internal Revenue Agent in Charge, (xiii) a Collector of Internal Revenue, (xiv) a Deputy Collector of Internal Revenue, or (xv) a Special Representative of the Office of the Chief Coordinator, Treasury Enforcement Agencies.

* * * * *

(19) *Department of the Air Force.* The Department of the Air Force may obtain such information upon the request of (i) the Administrative Assistant to the Secretary of the Air Force, (ii) the Air Adjutant General, (iii) the Chief of the Personnel Records Service, Office of the Air Adjutant General, (iv) the Director, Procurement and Industrial Planning, Office of Deputy Chief of Staff, Matériel, (v) the Air Provost Marshal, the Chief of the Office of Special Investigations, or the District Commander of an Office of Special Investigations District Office, Office of the Inspector General, (vi) the Judge Advocate General, United States Air Force, (vii) the Chief of Air Force Chaplains, (viii) the Chief of the Professional Division or the Chief of the Medical Personnel Division, Office of the Air Surgeon, (ix) the Director of Military Personnel, Office of Deputy Chief of Staff, Personnel, (x) the Director, Procurement and Industrial Planning, Headquarters, Air Matériel Command, Wright-Patterson Air Force Base, Dayton, Ohio, or (xi) the Director of Personnel, Headquarters Continental Air Command, Mitchel Air Force Base, New York.

2. Subparagraphs (2), (30), (32), (33), (35), and (45) of paragraph (b) of § 670.32 are amended to read as follows:

§ 670.32 *Supplying information to officials and agencies of States, the District of Columbia, Territories and possessions of the United States.* * * *

(b) * * *

(2) *Territory of Alaska.* The officials of the Territory of Alaska authorized to obtain such information are (i) the Executive Director, Unemployment Compensation Commission, (ii) the Commissioner of Veterans' Affairs, and (iii) the Administrative Assistant to the Commissioner of Veterans' Affairs.

* * * * *

(30) *State of New Hampshire.* The officials of the State of New Hampshire authorized to obtain such information are (i) the Adjutant General, (ii) the Administrator, Unemployment Compensation Division, (iii) the Commissioner, State Department of Public Welfare, (iv) the Health Officer, State Department of Health, (v) the Superintendent, State Department of Hospitals, (vi) the State Director, State Employment Office, (vii) the Director of Probation, State Department of Probation, (viii) the Director, State Veterans' Council, and (ix) the Chairman, the Secretary, and the Commissioners, State Tax Commission.

* * * * *

(32) *State of New Mexico.* The officials of the State of New Mexico authorized to obtain such information are (i) the Adjutant General, (ii) the Chairman-Executive Director, Employment Security Commission, (iii) the Director, Department of Public Health, (iv) the Director, State Employment Service, (v) the Director of Veterans' Affairs, New Mexico Veterans' Service Commission, (vi) the Executive Secretary, War Records Library, Museum of New Mexico, and (vii) the Chief, New Mexico State Police.

(33) *State of New York.* The officials of the State of New York and its subdivisions authorized to obtain such information are (i) the Adjutant General, (ii) the Assistant Adjutant General, (iii) the Executive Officer of the Adjutant General's Office, (iv) the Executive Director and the Chief Investigator, Division of Placement and Unemployment Insurance, (v) the Commissioner and the Parole District Supervisors, Division of Parole, (vi) the State Director, the Deputy State Director, the Director of Research Training, the Counsel to the Division, the Special Counsel, New York City, the Area Veteran Director, Albany, the Area Veteran Director, Buffalo, and the Area Veteran Director, New York City, Division of Veterans' Affairs, (vii) the Director, Bureau of Research, Division of Housing, (viii) the Chief Inspector, Division of State Police, (ix) the Director and the Assistant Director, Veterans' Bonus Bureau, Department of Taxation and Finance, (x) the Deputy Commissioner for Welfare and Medical Care, Department of Social Welfare, (xi) the Assistant Commissioner, Department of Mental Hygiene, (xii) the First Deputy Industrial Commissioner and the Associate Personnel Administrator, Department of Labor, (xiii) the Senior Civil Service Investigator, State Civil Service Commission, (xiv) the District Attorney, New York County, (xv) the Chief Investigator and the Investigators, Office of the District Attorney, New York County, (xvi) the District Attorney and the Chief Assistant to the District Attorney, Queens County, (xvii) the Investigator, Abandonment Bureau, Office of the District Attorney, Queens County, (xviii) the District Attorney, the Assistant District Attorney in Charge of the Homicide Division, and the Assistant District Attorney in Charge of Abandonments, Kings County, (xix) the Acting Chief Clerk, Office of the District Attorney, Kings County, (xx) the District Attorney, Bronx County, (xxi) the District Attorney, Richmond County, (xxii) the Director of the Division of Public Assistance to Veterans, the Director of Field Operations and Service, the Director of the Division of Foster Care, and the Director of the Division of Day Care, New York City Department of Welfare, (xxiii) the Commissioner, New York City Department of Hospitals, (xxiv) the Corporation Counsel, the Acting Corporation Counsel, and the Chief Clerk, New York City Department of Law, (xxv) the Special Assistant Corporation Counsel, In Charge, and the Chief Examiner of the City of New York Law Department, Torts-Trial Division, New York City Transit System, (xxvi) the Chief, Bureau of Investigation, New York City Civil Service Commission, (xxvii) the Chief Inspector, the Chief of Detectives and the Commanding Officer of the Police Academy, New York City Police Department, (xxviii) the Executive Director of Veterans' Activities, Manhattan, and the Executive Director of Veterans' Activities, Brooklyn, New York City Veterans' Service Centers, and (xxix) the Chief of Personnel, New York City Housing Authority.

* * * * *

(35) *State of North Dakota.* The officials of the State of North Dakota and its subdivisions authorized to obtain such information are (i) the Adjutant General, (ii) the Assistant Adjutant General, (iii) the Special Assistant to the Adjutant General for Payment of Veterans' Adjusted Compensation, (iv) the Director, Unemployment Compensation Division, (v) the Commissioner of Veterans' Affairs, and (vi) County Veterans' Service Officers.

* * * * *

(45) *State of Texas.* The officials of the State of Texas authorized to obtain such information are (i) the Adjutant General, (ii) the Chairman-Executive Director, Employment Commission, (iii) the Director, Department of Public Safety, and (iv) the Executive Director, Veterans' Affairs Commission.

(Secs. 6, 7, 61 Stat. 32, sec. 10 (a) (4), Pub. Law 759, 80th Cong.; 50 U. S. C. App. Sup., 326, 327)

The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

[SEAL] LEWIS B. HERSHEY,
Director of Selective Service.

JULY 26, 1949.

[F. R. Doc. 49-6195; Filed, July 28, 1949; 8:50 a. m.]

TITLE 34—NATIONAL MILITARY ESTABLISHMENT

Chapter IV—Joint Regulations of the Armed Forces

Subchapter D—Military Renegotiation Regulations

[Amdt. 2]

PART 421—AUTHORITY AND ORGANIZATION FOR RENEGOTIATION

PART 422—PROCEDURE FOR RENEGOTIATION

PART 423—DETERMINATION OF RENEGOTIABLE BUSINESS AND COSTS

PART 425—AGREEMENTS, CLEARANCES, AND STATEMENTS

MISCELLANEOUS AMENDMENTS AND CORRECTIONS

1. Part 421—Authority and Organization for Renegotiation is amended in the following respect:

Section 421.108–2 is amended to read as follows:

§ 421.108–2 *Commencement of renegotiation proceedings.* Renegotiation proceedings will be begun by the mailing of a notice to that effect, by registered mail, to the contractor or subcontractor. If a conference with the contractor or subcontractor is deemed desirable or necessary, reasonable notice of the time and place for such conference may be given at the time of mailing the notice of the beginning of renegotiation proceedings or at some subsequent time.

2. Part 422—Procedure for Renegotiation is amended in the following respect:

Section 422.241 is amended to read as follows:

§ 422.241 *Beginning of renegotiation.* Renegotiation proceedings will be begun by the mailing of a notice to that effect, by registered mail, to the contractor or subcontractor. If a conference with the contractor or subcontractor is deemed desirable or necessary, reasonable notice of the time and place for such conference may be given at the time of mailing the notice of the beginning of renegotiation proceedings or at some subsequent time.

3. Part 423—Determination of Renegotiable Business and Costs is amended in the following respects:

a. The last sentence of § 423.361 is amended to read as follows: "As stated in § 422.241 renegotiation proceedings will be begun by the mailing by registered mail of a notice to that effect to the contractor or subcontractor."

b. Section 423.354–1 is amended by adding at the end thereof the following note:

NOTE: In addition to the foregoing the Secretary of Defense on June 14, 1948 exempted from the application of the Renegotiation Act of 1948 that portion of the Supplemental National Defense Appropriation Act of 1948, Public Law 547, 80th Congress, entitled "Department of the Army—Military Functions, Corps of Engineers, Engineer Service, Army."

4. Part 425—Agreements, Clearances, and Statements is amended in the following respect:

Section 425.525–2 (b) is amended to read as follows:

(b) Whenever an order determining excessive profits becomes final upon the expiration of 60 days from the date of such order, no review of such order having been initiated by the Policy and Review Board, either upon its own motion, or at the request of the contractor or subcontractor, then, unless the contractor or subcontractor has been furnished with a statement in accordance with the provisions of § 425.524–2, a statement will be furnished by the renegotiating agency which issued the order if requested of such agency at any time prior to the expiration of the 30th day after the mailing of the registered notice of the order becoming final pursuant to § 426.605–3.

(Sec. 3 (f), Pub. Law 547, 80th Cong.; 62 Stat. 259)

Adopted: June 30, 1949.

FRANK L. ROBERTS.
Chairman, Military Renegotiation Policy and Review Board.

Approved: July 22, 1949.

LOUIS JOHNSON,
Secretary of Defense.

[F. R. Doc. 49-6194; Filed, July 28, 1949; 8:48 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicles

PART 203—PRESERVATION OF RECORDS; CARRIERS AND BROKERS

AUTHORITY FOR DESTRUCTION; PRESERVATION BY PHOTOGRAPHY

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 21st day of July A. D. 1949.

The matter of "Regulations to Govern the Preservation of Records of Class I Motor Carriers", Issue of 1942 as revised, being under consideration by the Division, pursuant to authority of section 220 (d) of the Interstate Commerce Act, as amended, and certain modification of those regulations, which are attached hereto and made a part hereof, being found necessary for administration of Part II of the act (49 Stat. 563, 54 Stat. 927, 49 U. S. C. 320): it is ordered, that:

(1) *Objections may be filed.* Any interested party may on or before September 12, 1949, file with the Commission a written statement of reasons why the said modifications should not become effective as hereinafter ordered and may request oral argument thereon.

(2) *Effective date.* Unless otherwise ordered after consideration of such objections, the said modifications shall become effective October 1, 1949.

(3) *Notice.* A copy of this order and the attached modifications shall be served upon every Class I motor carrier subject to the act, and upon every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

Cancel §§ 203.301 and 203.302 and substitute the following for them:

§ 203.301 *General authority to destroy records.* Class I motor carriers subject to Part II of the Interstate Commerce Act may destroy accounts, records, or memoranda named or described in these regulations, if their permanent retention is not specifically required, after preservation for the respective periods of time prescribed and upon compliance with requirements of this part. Authority contained in this part shall not exempt a Class I motor carrier from any statutory requirements other than the provisions of section 222 (g) of the Interstate Commerce Act, as amended, relating to the destruction of carriers' accounts, records, and memoranda.

§ 203.301–1 *Special permission to destroy records.* The destruction of all accounts, records, and memoranda of Class I motor carriers, except as specifically provided in this part, is prohibited under penalties contained in section 222 (g) of the Interstate Commerce Act, as amended. However, a Class I motor carrier proposing to destroy accounts, records, or memoranda not named or described in § 203.311, or proposing to photograph and destroy accounts, records, or memoranda specifically restricted by or excluded from the provisions of § 203.302, may apply to the Commission for special authority to accomplish either such purpose. Such applications shall state a full and detailed description of the accounts, records, or memoranda in question, clearly explaining their character, their use, and their purpose, and such special authority will not be granted except on a showing that the regulations imposed an unreasonable burden.

§ 203.302 *Preservation by photography.* Accounts, records, and memoranda named or described in § 203.311, which have been photographed for preservation by any standard process meeting the requirements of § 203.302–2, may be destroyed after due certification of such disposition, subject to the exceptions and restrictions imposed by § 203.302–1.

§ 203.302–1 *Photographic copies.* (a) Photographic copies shall be preserved until the close of the period prescribed in § 203.311 for the retention of the account, record, or memorandum so photographed and the photographic copies shall not be destroyed without the same certification required for the originals thereof.

(b) This permission to destroy shall in no case apply to accounts, records, and memoranda which are required to be retained permanently by the following items under § 203.311:

Item	*Description*
1	Minute books of directors', executive committees', stockholders' and other meetings.
8 (a)	Capital stock ledger.
(b)	Capital stock certificates, records of or stubs of, if information is not recorded on permanent records.
(c)	Stock transfer register.
4 (a)	Registered bond ledger.
(b)	Records or stubs of bonds if information is not recorded on permanent records.
7	Ledgers.
9	General journals.
10	General and auxiliary cash books.
11	Journal entries.
13	Deeds and other title papers, franchises, etc., unless transferred to others in connection with sale of physical property and operating rights.
14 (a)	Card or book records of contracts, property leases, etc.
(c)	Other contracts, leases and agreements, unless transferred to others in connection with sale of physical property and operating rights.
16	Copies of applications to and authorities from regulatory bodies for the issuance of stocks, bonds, and other securities.
39 (a)	Records, reports, statements, and memoranda showing the details of all debits and credits on account of the cost of property, such as labor and material distribution sheets, etc.
(b)	Records and memoranda pertaining to depreciation, retirements, and replacements of property.
(c)	Contracts and other agreements relating to the construction, acquisition, or sale of property.
(d)	Plans, specifications, estimates of work, records of engineering studies, construction bids, and similar records pertaining to addition and betterment projects which have been put into execution.
129 (a)	Correspondence. (Only that which pertains to records listed in this sub-section.)

(c) All accounts, records, and memoranda included in the following items of § 203.311, if photographed for preservation, shall be retained in their original form not less than two years prior to destruction.

Item	*Description*
5 (a)	Proxies of holders of voting securities.
(b)	Lists of holders of voting securities presented at meetings.
(c)	Ballots cast and tabulations of votes.
(f)	Judges' reports of election results.
8	Record of securities owned.
12	Records of noncarrier operations.
15	Tax records.
20	Miscellaneous records pertaining to agents' accounts.
24	Records of freight revenue.
27	Records of passenger revenue.
29	Records of each fare collections and token sales.
30	Records of sundry revenues.
31	Records of revenue from operations other than transportation.
32	Distribution of labor expenditures.
33 (a)	Pay rolls and summaries.
(f)	Receipted pay checks, receipted time tickets, certificates issued for wages, discharge tickets, and other evidences of payments for services rendered by employee.

35 Labor records.
36 Distribution of expenditures for material and supplies.
37 (a) Register of audited vouchers and indexes thereto.
(b) Paid drafts, paid checks, and receipts for cash paid out except as provided in items 33 (f) and 33 (g).
(c) Paid and canceled vouchers, audit office copies of vouchers and supporting papers except those relating to acquisition or construction of property. (See item 39.)
(d) Lists containing authorities for payments of specific vouchers.
38 (a) Register of bills collectible (or accounts receivable bills) and indexes thereto.
(b) Audit office copies of bills issued for collection; and supporting papers which do not accompany the original bills.
39 (c) Plans, specifications, estimates of work, records of engineering studies, construction bids, and similar records pertaining to addition and betterment projects which have been abandoned.
(f) Patent records and related data.
40 Claim registers.
56 (a) Records of material and supplies on hand.
57 (b) Invoices for materials and supplies purchased not attached to vouchers or paid checks (see Item 37) and records or reports of such invoices except those relating to construction of property (see Item 39).
70 Records and reports of repairs and renewals of buildings and other structures.
108 Reports to Interstate Commerce Commission and other regulating bodies. (Drivers' logs must be retained in their original form for a period of one year as provided in Motor Carrier Safety Regulations.
109 Annual reports or statements to stockholders.
129 (a) Correspondence. (If pertaining to accounts or records required to be retained two years in original form.)

§ 203.302–2 *Photographic processes* (a) Photographic processes used for preservation of accounts, records, or memoranda must produce copies without significant loss of clarity, and the material to be photographed shall be sorted in an orderly manner and shall be adequately indexed. Photographic copies shall be no less readily accessible than the original account, record, or memorandum as normally filed or preserved would be, and suitable means or facilities shall be available to locate, identify, read, or reproduce such photographic copies. Upon request by the Commission's representatives, carriers shall furnish prints, enlarged to original size, of any accounts, records, or memoranda which have been photographed for preservation.

(b) Any significant characteristic, feature, or other attribute of the original record or document, which photography in black and white will not preserve, shall be clearly indicated before the photograph is made. The reverse side of printed forms need not be copied if nothing has been added to the printed matter common to all such forms, but an identified specimen of such form shall be on the film for reference.

(c) Film used for preservation of photographic copies shall be of permanent-record type meeting in all respects the minimum specifications of the National Bureau of Standards, and all processes recommended by the manufacturer of such film shall be observed to protect it from deterioration or accidental destruction.

[F. R. Doc. 49–6185; Filed, July 28, 1949; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Animal Industry

[9 CFR, Part 151]

RECOGNITION OF BREEDS AND PUREBRED ANIMALS

NOTICE OF PROPOSED AMENDMENT

Notice is hereby given that the Secretary of Agriculture, pursuant to the authority vested in him by sec. 201, par. 1606 of the Tariff Act of 1930 (19 U. S. C., sec. 1201, par. 1606), proposes to recognize the book of record of Thoroughbred horses entitled "Registre des Chevaux de Pur Sang", published by the Jockey-Club de Belgique, 1 rue Guimard, Brussels, Belgium (J. Leynen, Secretary), and to add the name of the stud book to the list of books of record named in 9 CFR 151.6 (a), under the sub-heading "Horses".

Any person who wishes to submit written data or arguments concerning the proposed amendment may do so by filing them with the Chief of the Bureau of Animal Industry, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C., within ten days after the date of publication of this notice in the FEDERAL REGISTER.

Issued this 26th day of July 1949.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49–6218; Filed, July 28, 1949; 8:58 a. m.]

Production and Marketing Administration

[7 CFR, Part 997]

[Docket No. AO–205]

HANDLING OF FILBERTS GROWN IN OREGON AND WASHINGTON

NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.; 61 Stat. 208, 707), and in accordance with the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR 900.1 et seq.), notice is hereby given of a public hearing to be held in the auditorium of the New Journal Building, 800 Southwest Front Street, Portland, Oregon, beginning at 9:30 a. m., P. d. s. t., August 15, 1949, with respect to a proposed marketing agreement and a proposed marketing order regulating the handling of filberts grown in Oregon and Washington. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture.

This public hearing will be held for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the provisions of the proposed marketing agreement and order which are hereinafter set forth, and any appropriate modifications thereof. Said marketing agreement and order were proposed by the Northwest Nut Growers, a cooperative marketing association of filbert and walnut growers in Oregon and Washington, which requested a hearing thereon. The request for hearing has been endorsed by others in the filbert industry. The provisions of the proposed marketing agreement and order (the provisions identified with an asterisk (*) apply only to the proposed marketing agreement and not to the proposed marketing order) are as follows:

§ 997.1 *Definitions.* As used herein, the following terms have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or who may be, authorized to perform the duties of the Secretary of Agriculture of the United States.

(b) "Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.; 61 Stat. 208, 707).

(c) "Person" means an individual, partnership, corporation, association, or any other business unit.

(d) "Filberts" means filberts or hazelnuts grown in the States of Oregon and Washington.

(e) "Unshelled filberts" means filberts the kernels of which are contained in the shell.

(f) "Merchantable filberts" means all unshelled filberts meeting the pack specifications and minimum standards of quality prescribed pursuant to § 997.3 (a).

(g) "Area of production" means the States of Oregon and Washington.

(h) "Grower" is synonymous with "producer" and means any person engaging, in a proprietary capacity, in the commercial production of filberts.

(i) "Handler" means any packer or distributor of unshelled filberts handling not less than 250 pounds of filberts during any fiscal year.

(j) "Packer" means any person packing and handling unshelled filberts.

(k) "Distributor" means any person, other than a packer, handling unshelled filberts which have not been subjected, in the hands of a previous holder, to compliance with the surplus-control provisions hereinafter contained.

(l) "Cooperative handler" means any handler which is a cooperative marketing association regardless of where or under what laws it may be organized.

(m) "Sheller" means any person engaged in the business of shelling filberts for any commercial purpose.

(n) "Pack" means a specific commercial classification according to size, internal quality, and external appearance and condition, of merchantable filberts, packed in accordance with the pack specifications prescribed pursuant to § 997.3 (a).

(o) "To pack" means to bleach, clean, grade, or otherwise prepare filberts for market as unshelled filberts in any manner whatsoever.

(p) "To handle" means to sell, consign, transport or ship (except as a common carrier of filberts owned by another person), or in any other way to put into the channels of trade either within the area of production or from such area to points outside thereof.

(q) "Federal-State Inspection Service" means that inspection service on filberts which is performed within the States of Oregon and Washington by the United States Department of Agriculture or by said Department under a cooperative arrangement with either of such States pursuant to authority contained in any act of Congress.

(r) "Fiscal year" means the 12 months from August 1 to the following July 31, both inclusive, except that the fiscal year ending July 31, 1950 shall begin on the effective date hereof.

(s) "Handler carryover" as of any given date means all merchantable filberts (except merchantable filberts held as surplus) wherever located, then held by handlers or for their accounts (whether or not sold) including the estimated quantity of merchantable filberts in ungraded lots then held by handlers and intended for packing as merchantable filberts.

(t) "Trade carryover" means all merchantable filberts theretofore delivered by handlers and then remaining in the possession or control of the wholesale or chain store or supermarket trade, exclusive of filberts in retail outlets, as of any given date.

(u) "Trade demand" means the quantity of merchantable filberts which the wholesale and chain store and supermarket trade will acquire from all handlers during a fiscal year for distribution in the Continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone; except that there may also be considered in the making of such computation such acquirements for distribution in Canada or Cuba, whenever the Board is of the opinion that such distribution may be made to the particular country at prices to handlers approximating such prices on distribution in the Continental United States.

(v) "Control Board" or "Board" means the Filbert Control Board established pursuant to § 997.2.

§ 997.2 *Filbert Control Board*—(a) *Membership.* (1) A Control Board consisting of seven members, with an alternate member for each such member, is hereby established. The original members and their respective alternates, to hold office for a term ending with the first Monday in April, 1950, and until their successors shall be selected and shall qualify, shall be selected by the Secretary: (i) From each of the six groups specified in subparagraph (2) of this paragraph, and (ii) the seventh member without limitation. The nominating procedure prescribed in paragraph (b) of this section shall not be followed for the selection of the initial board.

(2) The successors of the original members and their respective alternates shall be selected annually by the Secretary for a term of one year beginning with the first Tuesday after the first Monday in April, and shall serve until their respective successors shall be selected and shall qualify. One member and one alternate member shall be selected from nominees submitted by each of the following groups, or from among other qualified persons belonging to such groups:

(i) The cooperative handlers;

(ii) All handlers, other than the cooperative handlers;

(iii) The group of cooperative handlers or the group of other than cooperative handlers, whichever during the preceding fiscal year handled more than 50 percent of the merchantable filberts handled by all handlers;

(iv) Those growers of filberts who market their filberts through cooperative handlers;

(v) All other growers of filberts;

(vi) Those growers whose filberts were marketed during the preceding fiscal year through the handler group specified in subdivision (iii) of this subparagraph.

The seventh member and his alternate shall be selected after the selection of the first six members as provided for in this subparagraph and after opportunity for such six members to nominate a seventh member.

(b) *Nominations.* Each of the six groups specified in paragraph (a) of this section may nominate one person as member and one person as alternate; and the six members first selected by the Secretary may nominate, by majority vote, one person as member and one person as alternate for that member. Nominations for each handler group shall be submitted on the basis of ballots to be mailed by the Control Board to all handlers in such group whose pack for the preceding fiscal year is on record with the Control Board. Nominations on behalf of growers who market their filberts through cooperative handlers shall be submitted on the basis of ballot cast by each such cooperative handler for its grower patrons. Nominations on behalf of growers who market their filberts through other than cooperative handlers shall be submitted after ballot by such growers pursuant to announcements by press releases through the United States Department of Agriculture to the principal newspapers in the filbert-producing areas in Oregon and Washington. Such releases shall provide pertinent information, including the names of incumbents and the location where ballots may be obtained. The ballots shall be accompanied by full instructions as to their marking and mailing. All votes cast by cooperative handlers, handlers other than cooperative handlers, or for cooperative growers, shall be weighted according to the tonnage of merchantable filberts (computed to the nearest whole ton in case of fractions) recorded by the Control Board as certified for handling by the handler or for the cooperative grower group during the preceding fiscal year, and if less than one ton is recorded for any such handler or grower group, its vote shall be weighted as one vote. All votes cast by individual growers shall be given equal weight. Nominations received in the foregoing manner by the Control Board shall be reported to the Secretary on or before March 20 of each fiscal year, together with a certificate of all necessary tonnage data and other information deemed by the Board to be pertinent or requested by the Secretary. If such nominations of any group are not submitted as hereinbefore provided to the Secretary on or before that date, the Secretary may select the representatives of that group without nomination. If nominations for the seventh member or his alternate are not submitted on or before April 15 of any year, the Secretary may select such member or alternate without nomination.

(c) *Qualification.* Any person selected as a member or alternate of the Control Board shall qualify by filing a written acceptance of his appointment with the Secretary or his designated representative. Any member or alternate who, at the time of his selection, was a member of or employed by a member of the group which nominated him and who thereafter ceases to be such a member or employee shall thereupon become disqualified to serve further and his position on the Control Board shall be deemed vacant.

(d) *Alternates.* (1) An alternate for a member of the Control Board shall act in the place and stead of such member (i) in his absence, or (ii) in the event of his death, removal, resignation, or disqualification, until a successor for his unexpired term has been selected and has qualified.

(2) In the event any member of the Control Board and his alternate are both unable to attend a meeting of the Control Board, any alternate for any other mem-

ber nominated by the same group that nominated the absent member may serve in the place and stead of the absent member and his alternate, or in the event such other alternate cannot attend, or there is no such other alternate, such member or, in the event of his disability or a vacancy, his alternate may designate, subject to the disapproval of the Secretary, a temporary substitute to attend such meeting. At such meeting such temporary substitute may act in the place and stead of such member. For the purposes of this paragraph a cooperative handler group and a cooperative grower group shall be considered the same group.

(e) *Vacancy.* To fill any vacancy occasioned by the death, removal, resignation, or disqualification of any member or alternate of the Control Board, a successor for his unexpired term shall be selected in the manner provided in paragraph (b) of this section, so far as applicable, within 30 days after such vacancy occurs.

(f) *Expenses.* The members of the Control Board shall serve without compensation, but shall be allowed their necessary expenses.

(g) *Powers.* The Control Board shall have the following powers:

(1) To administer the provisions hereof in accordance with its terms;

(2) To make rules and regulations to effectuate the terms and provisions hereof;

(3) To receive, investigate, and report to the Secretary complaints of violations hereof;

(4) To recommend to the Secretary amendments hereto.

(h) *Duties.* The duties of the Control Board shall be as follows:

(1) To act as intermediary between the Secretary and any handler or grower;

(2) To keep minute books and records which will clearly reflect all of its acts and transactions, and such minute books and records shall at any time be subject to the examination of the Secretary;

(3) To furnish to the Secretary such available information as he may request;

(4) To appoint such employees as it may deem necessary and to determine the salaries, define the duties and fix the bonds of such employees;

(5) To cause the books of the Control Board to be audited by one or more competent public accountants at least once for each fiscal year and at such other times as the Control Board deems necessary or as the Secretary may request, and to file with the Secretary three copies of all audit reports made;

(6) To investigate the growing, shipping, and marketing conditions with respect to filberts and to assemble data in connection therewith.

(i) *Procedure.* (1) The members of the Control Board shall select a chairman from their membership and all communications from the Secretary may be addressed to the chairman at such address as may from time to time be filed with the Secretary. The Board shall select such other officers and adopt such rules for the conduct of its business as it may deem advisable. The Board shall give to the Secretary or his designated agent and representatives the same notice of meetings of the Control Board as is given to members of the Board.

(2) All decisions of the Control Board, except where otherwise specifically provided, shall be by a majority vote of the members present. The presence of five members shall be required to constitute a quorum.

(3) The Control Board may vote by mail or telegram upon due notice to all members: *Provided,* That voting by mail or telegram shall not be permitted at any assembled meeting of the Board. When any proposition is submitted for voting by such method, one dissenting vote shall prevent its adoption by that method.

(4) The Members of the Control Board (including successors, alternates, or other persons selected by the Secretary), and any agent or employee appointed or employed by the Control Board, shall be subject to removal or suspension by the Secretary, in his discretion, at any time. Each and every order, regulation, decision, determination, or other act of the Control Board shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and, upon such disapproval, shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith.

§ 997.3 *Control of distribution*—(a) *Pack specifications and minimum standards.* In order to effectuate the declared policy of the act, the Secretary shall, after consideration of Board recommendations, prescribe pack specifications, including minimum standards of quality, for the packing of unshelled filberts. The initial pack specifications, which shall remain in effect until superseded by other such specifications prescribed by the Secretary, shall be "U. S. No. 1, Jumbo," "U. S. No. 1, Large," and "U. S. No. 1, Medium" as defined in United States Standards for Filberts in the Shell (13 F. R. 4623). The initial minimum standards of quality, which shall remain in effect until superseded by other such standards prescribed by the Secretary, shall be: U. S. No. 1 grade and the lower limit of medium size as defined in said United States Standards for Filberts in the Shell. Except as otherwise provided in paragraph (d) of this section, no handler shall handle any unshelled filberts except those certified by the Control Board as merchantable and packed in accordance with such pack specifications and minimum standards. The provisions hereof relating to minimum standards of quality and the grading and inspection requirements, within the meaning of section 2 (3) of the act, and any other provisions pertaining to the administration and enforcement thereof, shall continue in effect irrespective of whether the seasonal average price for filberts is in excess of the parity level specified in section 2 (1) of the act.

(b) *Certification of merchantable filberts.* Every handler, at his own expense, shall obtain a certificate for each lot of merchantable filberts handled or to be handled by him and for each lot of surplus merchantable filberts. Said certificates shall be obtained from the Federal-State Inspection Service. All such certificates shall show, in addition to such other requirements as the Control Board may specify, the identity of the handler, if for export, the country of destination, the quantity and pack of merchantable filberts in such lot, and that the filberts covered by such certificate conform to the pack specifications and minimum standards of quality prescribed pursuant to paragraph (a) of this section. The Control Board may direct that such certificate be not issued to any handler who has failed to meet his surplus or assessment obligation in accordance with the terms hereof. All lots so inspected and certified shall be identified by appropriate seals or stamps and tags to be affixed to the containers by the handler under the direction and supervision of the Control Board or of the Federal-State Inspection Service.

(c) *Copies of certificates.* Copies of each such certificate shall be furnished by the inspector to the handler and the Control Board.

(d) *Filberts for packing and shelling.* Nothing contained herein shall be construed to prevent any person from selling or delivering, within the area of production, unshelled filberts, other than merchantable filberts, to any packer for packing or sheller for shelling: *Provided,* That all such sales or deliveries involving the shipment of filberts between Oregon and Washington must be reported by the shipper to the Control Board at the time of shipment. This report shall show the quantities shipped, the identity of the consignee, and whether the filberts so shipped will be packed or shelled.

§ 997.4 *Withholding of surplus*—(a) *Salable and surplus percentages.* The salable and surplus percentages of merchantable filberts for each fiscal year shall be fixed by the Secretary at such amounts as in his judgment will most effectively tend to accomplish the purposes of the act: *Provided,* That the initial salable percentage for the first fiscal year ending July 31, 1950 shall be 80 [1] percent and the surplus percentage shall be 20 [1] percent. In fixing subsequent salable and surplus percentages, the Secretary shall give consideration to the ratio of the estimated trade demand to the sum of the estimated production of merchantable filberts and the handler carry-over (with appropriate adjustment for such handler carryover as may have theretofore contributed to surplus), the recommendations submitted to him by the Control Board, and such other pertinent data as he deems appropriate. The total of the salable and surplus percentages fixed each fiscal year shall equal 100 percent.

(b) *Increase of salable percentage.* At any time prior to February 15 of any fiscal year, the Secretary may, on request of the Control Board (or if the Control Board shall fail so to request, on request of two or more packers who have handled during the immediately preceding

[1] These figures are inserted for consideration at the hearing, but it is intended that the figures finally fixed will be fixed on the basis of proposals and evidence presented at the hearing.

fiscal year at least ten percent of the total tonnage handled by all packers during such fiscal year) and after a finding of fact, based on such revised and current information as may be pertinent, that the merchantable filberts available for handling will not be sufficient to supply the trade demand, increase the salable percentage to conform to such new relation as may be found to exist between trade demand and available supply.

(c) *Estimated carryover, trade demand, and production.* To aid the Secretary in fixing the salable and surplus percentages, the Board shall furnish to the Secretary, not later than September 1 of each fiscal year, the following estimates and recommendation, each of which shall be adopted by at least a majority vote of the entire Control Board:

(1) Its estimate of the quantity of merchantable filberts to be produced and packed during such year;

(2) Its estimate of handler carryover as of August 1;

(3) Its estimate of trade carryover as of August 1;

(4) Its estimate of the total trade demand (on the basis of prices not exceeding the maximum prices contemplated in section 2 of the act); in determining such trade demand consideration shall be given to the estimated trade carryover at the beginning and end of the fiscal year;

(5) Its recommendation as to the salable and surplus percentages to be fixed. The Board shall also furnish to the Secretary a complete report of the proceedings of the Board meeting at which the recommended salable and surplus percentages to be fixed by the Secretary were adopted.

(d) *Withholding percentage.* The withholding percentage shall be the ratio (measured as a percentage) of the surplus percentage to the salable percentage. Such percentage shall be announced by the Secretary and, in its computation, may be adjusted by the Secretary to the nearest whole number. The initial withholding percentage for the first fiscal year ending July 31, 1950, shall be 25 percent.

(e) *Withholding of surplus merchantable filberts.* No handler shall handle unshelled filberts unless prior to or upon the shipment thereof (except as otherwise provided in paragraph (f) of this section) he shall have withheld from handling a quantity of merchantable filberts equal to the withholding percentage, by weight, of such quantity handled or certified for handling by him: *Provided,* That this provision shall not apply to any lot of filberts for which the surplus obligation has been met by a previous holder. The quantity of filberts hereby required to be withheld shall constitute, and may be referred to as, the "surplus" or "surplus obligation" of a handler. The merchantable filberts handled by any handler in accordance with the provisions hereof shall be deemed to be that handler's quota fixed by the Secretary within the meaning of section 8a (5) of the act.

(f) *Postponement of withholding surplus upon filing bond.* (1) Compliance by any packer with the requirements of paragraph (e) of this section as to the time when surplus filberts shall be withheld shall be deferred to any date desired by the packer, but not later than December 31 of the fiscal year, upon the voluntary execution and delivery by such packer to the Control Board, before he handles any merchantable filberts of such fiscal year, of a written undertaking that on or prior to such date he will have fully satisfied his surplus obligation required by paragraph (e) of this section.

(2) Such undertaking shall be secured by a bond or bonds to be filed with and acceptable to the Control Board, and with a surety or sureties acceptable to the Control Board, in the amount or amounts stated below conditioned upon full compliance with such undertaking. Such bond or bonds shall, at all times during their effective period, be in such amounts that the aggregate thereof shall be no less than the total bonding value of the packer's deferred surplus obligation. The bonding value shall be the deferred surplus obligation poundage bearing the lowest bonding rate or rates, which could have been selected from the packs handled or certified for handling, multiplied by the applicable bonding rate. The cost of such bond or bonds shall be borne by the packer filing same.

(3) Said bonding rate for each pack shall be an amount per pound representing the season's domestic price for such pack net to packer f. o. b. shipping point which shall be computed at 95 percent of the opening price for such pack announced by the packer or packers who during the preceding fiscal year handled more than 50 percent of the merchantable filberts handled by all packers. Such packer or packers shall be selected in order of volume handled in the preceding fiscal year, using the minimum number of packers to represent a volume of more than 50 percent of the total volume handled. If such opening prices involve different prices announced by two or more packers for respective packs, the prices so announced shall be averaged on the basis of the quantity of such packs handled during the preceding fiscal year by each such packer.

(4) Any sums collected through default of a packer on his bond shall be used by the Control Board to purchase, from packers, as provided herein, a quantity of merchantable filberts not to exceed the total quantity represented by the sums collected. Purchases shall be made from the salable percentages with respect to which the surplus obligation has been met and at the bonding rate for each pack. The Control Board shall at all times purchase the lowest priced packs offered and the purchases shall be made from the various packers as nearly as practicable in proportion to the quantity of their respective offerings of the pack or packs to be purchased.

(5) Any unexpended sums, which have been collected by the Control Board through default of a packer on his bond, remaining in possession of the Control Board at the end of a fiscal year shall be used to reimburse the Board for its expenses including administrative and other costs incurred in the collection of such sums and in the purchase of merchantable filberts as provided in subparagraph (4) of this paragraph. Any balance remaining after reimbursement of such expenses shall be distributed among all handlers in proportion to the quantity of merchantable filberts handled or certified for handling by them during the fiscal year in which the default occurred.

(6) Filberts purchased as provided in this paragraph shall be turned over to those packers, who have defaulted on their bonds, for disposal by them as surplus. The quantity delivered to each packer shall be that quantity represented by the sums collected through default, and the different grades, if any, shall be apportioned among the various packers on the basis of the quantity of filberts to be delivered to each packer to the total quantity purchased by the Control Board with bonding funds.

(7) Collection by the Control Board upon any bond or bonds filed pursuant to the provisions of this paragraph shall be deemed a satisfaction of the surplus obligation represented by such collection: *Provided,* That the filberts purchased by the Control Board with funds collected under bonds and subsequently turned over to such packers are used only for the purposes provided in § 997.5 for the disposal of surplus.

(g) *Interhandler transfers for surplus.* For the purpose of meeting his surplus obligation, any handler may upon notice to and under the supervision and direction of the Control Board, acquire from another handler merchantable filberts with respect to which the surplus has not been withheld and any surplus obligation with respect to any filberts so transferred shall be waived. If any such sales are made from filberts on which the surplus obligation has been met, the seller's surplus obligation shall be reduced accordingly upon proof satisfactory to the Control Board that the purchaser is withholding such filberts as surplus.

(h) *Assistance of Control Board in accounting for surplus.* The Control Board, on written request, may assist handlers in accounting for their surplus obligations and may aid any handler in acquiring merchantable filberts to meet any deficiency in a handler's surplus, or in accounting for and disposing of surplus filberts.

(i) *Application of salable, surplus, and withholding percentages, and bonding rates, after end of fiscal year.* (1) The salable, surplus and withholding percentages established for any fiscal year shall continue in effect with respect to all filberts, for which the surplus obligation has not been previously met, which are handled or certified for handling by any handler after the end of such fiscal year and before salable, surplus and withholding percentages are established for the succeeding fiscal year. After such percentages are established for the new fiscal year, the withholding requirements for all such filberts theretofore handled or certified for handling during that fiscal year shall be adjusted to the newly established percentages.

(2) The bonding rates established for any fiscal year shall continue in effect with respect to any bond or bonds executed and delivered pursuant to para-

graph (f) of this section, before the bonding rates for the new fiscal year are established. After such bonding rates are established for the new fiscal year, the new rates shall be applicable and any bond or bonds theretofore given for that fiscal year shall be adjusted to the new rates.

(j) *Exchange of surplus filberts.* Any handler who has withheld surplus filberts pursuant to the requirements of paragraph (e) of this section and has had same certified as surplus filberts may exchange therefor an equal quantity, by weight, of other merchantable filberts. Any such exchange shall be made under the supervision and direction of the Control Board with appropriate inspection and certification of the filberts involved.

(k) *Adjustment upon increase of salable percentage.* Upon any increase in the salable percentage and corresponding decrease in the surplus and withholding percentages, the surplus obligation of each handler with respect to the filberts handled by him for the entire fiscal year shall be recomputed in accordance with such revised salable, surplus and withholding percentages. From the surplus filberts still held by a handler and from such surplus filberts that may have been delivered by him to the Control Board pursuant to § 997.5 (b), and still held by the Control Board, the handler shall be permitted to select, under the supervision and direction of the Control Board, the particular surplus filberts to be restored to his salable percentage.

§ 997.5 *Disposition of surplus*—(a) *Prohibition against handling of surplus.* Except as provided in paragraphs (b) and (c) of this section, surplus filberts withheld pursuant to the requirements of § 997.4 (e) shall not be handled by any person as unshelled filberts.

(b) *Disposition of surplus by export.* Sales of surplus filberts for shipment or export to destinations outside the Continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone shall be made only by the Control Board. Any handler desiring to export any part or all of his surplus filberts shall deliver to the Control Board his surplus to be exported; but the Control Board shall be obligated to sell in export only such quantitities for which it may be able to find satisfactory export outlets. Any filberts so delivered for export which the Control Board is unable to export shall be returned to the handler delivering them. Sales for export shall be made by the Control Board only on execution of an agreement to prevent reimportation into the United States; and in case of export to Canada or Mexico, such filberts shall be sold only on the basis of a delivered price, duty paid. A handler may be permitted to act as agent of the Control Board, upon such terms and conditions as the Control Board may specify, in negotiating export sales; and when so acting shall be entitled to receive a selling commission of five percent of the export sales price, f. o. b. area of production. The proceeds of all export sales, after deducting all expenses actually and necessarily incurred, shall be paid to the handler whose surplus filberts are so sold by the Board.

(c) *Disposal of surplus for shelling.* (1) Any handler may shell his surplus filberts or deliver them for shelling to an authorized sheller.

(2) Any person who desires to become an authorized sheller in any fiscal year may submit an application to the Control Board. Such application shall be granted only upon condition that the applicant agrees:

(i) To use such surplus filberts as he may receive for no purpose other than shelling;

(ii) To dispose of or deliver such surplus filberts, as unshelled filberts, to no one other than another authorized sheller;

(iii) To comply fully with all laws and regulations applicable to the shelling of filberts;

(iv) To report to the Control Board, immediately upon receipt of any lot of surplus filberts, the quantity and pack of the filberts so received and the identity of the person from whom received, and within 15 days after the disposition of such filberts, to report their disposition to the Control Board. All such reports shall be certified to the Control Board and to the Secretary as to their correctness and accuracy.

The Board, if it finds that such an application is made in good faith and if the applicant may be reasonably relied upon to fulfill and observe the conditions to which it has agreed, shall issue a letter of authority to such applicant to serve as an authorized sheller. Such letter of authority shall expire with the end of the fiscal year during which it is issued by the Board.

§ 997.6 *Reports and books and records.* (a) *Reports of handler carryover.* Each handler, on or before August 15 and January 15 of each fiscal year, shall file with the Control Board a written report, under oath, of all merchantable filberts (except filberts held as surplus) including the estimated quantity of merchantable filberts in ungraded lots intended for packing as merchantable filberts, by him held on the first day of August and January, respectively, showing the pack (if merchantable), and location thereof, and the quantities:

(1) Which theretofore have been certified for handling, and on which the surplus obligation has previously been met;

(2) Which have been packed as merchantable filberts, but have not been certified; and

(3) Which are estimated as merchantable, but have not been packed as merchantable filberts and are intended for packing as merchantable filberts.

(b) *Reports of disposition of surplus.* (1) Each handler, before he disposes of any quantity of surplus filberts held by him, shall file with the Control Board a report of his intention to dispose of such quantity of surplus filberts. This report shall be filed not less than five days prior to the date on which the surplus filberts are disposed of unless the five-day period is expressly waived by the Control Board.

(2) Each handler, within 15 days after the disposition of any quantity of surplus filberts, shall file with the Control Board a report of the actual disposition of such quantity of surplus filberts. Such reports shall be certified to the Control Board and to the Secretary as to their correctness and accuracy.

(3) Each handler, from time to time, on demand of the Control Board, shall file with the Board a report of his holdings of surplus filberts as of any date specified by the Board. Such report, at the request of the Control Board, may be in the form of a confirmation of the records of the Control Board of such handler's holdings. Such report shall be certified to the Control Board and to the Secretary as to its correctness and accuracy.

(4) All reports required by this paragraph of this section shall show the quantity, pack, and location of the filberts covered by such reports, and in the case of reports required by subparagraphs (1) and (2) of this paragraph, the applicable handler's storage lot and inspection certificate numbers, and the disposition of the surplus which is intended or which has been accomplished.

(c) *Other reports.* Upon request of the Control Board, made with the approval of the Secretary, every handler shall furnish to the Board, in such manner and at such times as it prescribes (in addition to such other reports as are specifically provided for herein), such other information as will enable the Control Board to perform its duties and to exercise its powers hereunder.

(d) *Verification of reports.* For the purpose of checking and verifying reports made by handlers to it, the Control Board, through its duly authorized agents, shall have access to the handler's premises wherever filberts may be held by such handler and, at any time during reasonable business hours, shall be permitted to inspect any filberts so held by such handler and any and all records of the handler with respect to the holding or disposition of all filberts which may be held or which may have been disposed of by such handler. Every handler shall furnish all labor necessary to facilitate such inspections as the Control Board may make of such handler's holdings of any filberts. Every handler shall store surplus filberts in such manner as to facilitate inspection and shall maintain adequate storage records which will permit accurate identification with respect to Control Board certificates of respective lots of all such filberts held or theretofore disposed of.

§ 997.7 *Expenses and assessments*—(a) *Expenses.* The Control Board is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during each fiscal year, for the maintenance and functioning of the Control Board and for such purposes as the Secretary may, pursuant to the provisions hereof, determine to be appropriate. The recommendation of the Control Board as to the expenses for each such fiscal year, together with all data supporting such recommendations, shall be submitted to the Secretary on or before August 15 of the fiscal year in connection with which such recommendation is made: *Provided,* That such submission for the

first fiscal year shall be made within 15 days after the effective date hereof. The funds to cover such expenses shall be acquired by levying assessments as hereinafter provided.

(b) *Assessments.* (1) Each handler shall pay to the Control Board on demand by the Control Board, from time to time, the sum of two-tenths of a cent for each pound of merchantable filberts handled or certified for handling by him after the effective date hereof. At any time during or after a fiscal year, the Secretary may increase the rate of assessment to apply to all filberts handled or certified for handling during such fiscal year to secure sufficient funds to cover the expenses authorized by paragraph (a) of this section or by any later finding by the Secretary relative to the expenses of the Control Board, and such additional assessments shall be paid to the Control Board by each handler on demand.

(2) Any money collected as assessments during any fiscal year and not expended in connection with the respective fiscal year's operations hereunder may be used and shall be refunded by the Control Board in accordance with the provisions hereof. Such excess funds may be used by the Control Board during the period of four months subsequent to such fiscal year in paying the expenses of the Control Board incurred in connection with the new fiscal year. The Control Board shall, however, from funds on hand, including assessments collected during the new fiscal year, distribute or make available, within five months after the beginning of the new fiscal year, the aforesaid excess to each handler from whom an assessment was collected, as aforesaid, in the proportion that the amount of the assessment paid by the respective handler bears to the total amount of the assessments paid by all handlers during said fiscal year.

(3) Any money collected from assessments hereunder and remaining unexpended in the possession of the Control Board upon the termination hereof shall be distributed in such manner as the Secretary may direct.

§ 997.8 *Personal liability.* No member or alternate member of the Control Board, or any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or any other person for errors in judgment, mistakes, or other acts either of commission or omission, as such member, alternate member, agent or employee, except for acts of dishonesty.

§ 997.9 *Separability.* If any provision hereof is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 997.10 *Derogation.* Nothing contained herein is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 997.11 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue hereof shall cease upon the termination hereof, except with respect to acts done under and during the existence hereof.

§ 997.12 *Agents.* The Secretary may, by a designation in writing, name any person, including any officer or employee of the United States Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

§ 997.13 *Effective time, termination or suspension*—(a) *Effective time.* The provisions hereof, as well as any amendments hereto, shall become effective at such time as the Secretary may declare, and shall continue in force until terminated or suspended in one of the ways hereinafter specified.

(b) *Suspension or termination.* (1) The Secretary may, at any time, terminate the provisions hereof by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary shall terminate or suspend the operation of any or all of the provisions hereof whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions hereof at the end of any fiscal year whenever he finds that such termination is favored by a majority of the producers of filberts who during the preceding fiscal year have been engaged in the production for market of filberts in the States of Oregon and Washington: *Provided*, That such majority have during such period produced for market more than 50 percent of the volume of such filberts produced for market within said States; but such termination shall be effected only if announced on or before July 1 of the then current fiscal year.

(4) The provisions hereof shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.* (1) Upon the termination of the provisions hereof, the members of the Control Board then functioning shall continue as joint trustees for the purpose of liquidating the affairs of the Control Board, of all funds and property then in the possession or under the control of the Board, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) Said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Control Board and the joint trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the Control Board or the joint trustees pursuant hereto.

(3) Any person to whom funds, property, or claims have been transferred or delivered by the Control Board or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the said Board and upon said joint trustees.

§ 997.14 *Effect of termination or amendment* Unless otherwise expressly provided by the Secretary, the termination hereof or of any regulation issued pursuant hereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision hereof or any regulation issued hereunder, or (b) release or extinguish any violation hereof or of any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or of any other person, with respect to any such violation.

§ 997.15 *Amendments.* Amendments hereto may be proposed, from time to time, by any person or by the Control Board.

§ 997.16 *Counterparts.* This agreement may be executed in multiple counterparts, and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all such signatures were contained in one original.*

§ 997.17 *Additional parties.* After the effective date hereof, any handler may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.*

§ 997.18 *Request for order.* Each signatory handler hereto requests the Secretary to issue an order pursuant to the act regulating the handling of filberts produced in Oregon and Washington in the same manner as provided in this agreement.*

Copies of this notice of hearing may be obtained from or inspected at: the office of the Fruit and Vegetable Branch, Production and Marketing Administration, U. S. Department of Agriculture, 515 Southwest Tenth Street, Portland, Oregon; County Agricultural Conservation Association offices in commercial filbert producing counties in Oregon and Washington; Office of the Hearing Clerk, U. S. Department of Agriculture, South Agricultural Building, Washington, D. C.

Done at Washington, D. C., this 26th day of July 1949.

[SEAL] S. R. NEWELL,
Acting Assistant Administrator.

[F. R. Doc. 49-6217; Filed, July 28, 1949; 8:58 a. m.]

DEPARTMENT OF COMMERCE

Patent Office

[37 CFR, Parts 100, 110]

TRADE-MARKS

RULES OF PRACTICE AND FORMS IN TRADE-MARK CASES

Notice is hereby given that the United States Patent Office proposes to amend certain rules and regulations relating to proceedings before it in trade-mark cases.

The amendments are proposed to be issued pursuant to the authority contained in the trade-mark law, secs. 1, 41, Act of July 5, 1946, 60 Stat. 427; 15 U. S. C. 1051, 1123, and other authority.

All persons who desire to submit written data, views, arguments or suggestions, for consideration in connection with the proposed amendments, are invited to forward the same to the Commissioner of Patents, Washington 25, D. C., on or before September 16, 1949. An oral hearing is not scheduled.

The text of the proposed amendments follows.

1. Section 100.21 (Trade-mark rule 2.1) is proposed to be amended by adding the following line to item (q) of the schedule of fees:

Each additional 100 words or fraction thereof	0.10

2. Section 100.21 (Trade-mark rule 2.1) is proposed to be amended by adding the following item at the end of the note:

Rules of Practice in Trade-Mark Cases, with Forms and Statutes (also supplied by the Patent Office)	0.35

3. Section 100.37 (Trade-mark rule 3.7) is proposed to be amended to read as follows:

§ 100.37 *Pamphlet of trade-mark rules and statutes; general information.* Pamphlet copies of the rules of practice in trade-mark cases, including forms and statutes, may be purchased from the Superintendent of Documents or the Patent Office. A pamphlet of general information concerning trade-marks is furnished without charge by the Patent Office.

4. Section 100.42 (Trade-mark rule 4.2) is proposed to be amended by adding the following paragraph after the third paragraph:

Persons not eligible under the above requirements who were permitted to practice in trade-mark cases before the Patent Office prior to July 5, 1947, and who regularly and continuously so practiced for a substantial period prior to such date, may be specially registered and recognized as agents to continue such practice under such restrictions as may be prescribed, upon application for such special registration and recognition filed prior to January 1, 1950, and a showing of facts sufficient to justify such action.

5. Section 100.67 (Trade-mark rule 6.7) is proposed to be amended to read as follows:

§ 100.67 *Application confidential prior to publication.* An index of pending applications stating the name and address of the applicant, a description of the mark, the goods or services with which the mark is used, and the serial number of the application will be available for public inspection as soon as practicable after filing. Access to files of pending trade-mark applications will not be given prior to publication under § 100.151 without the written authority of the applicant, unless it shall, in the opinion of the Commissioner, be necessary to the proper conduct of business before the Patent Office. Decisions of the Commissioner in applications and proceedings relating thereto are published or available for inspection or publication.

6. Section 100.78 (Trade-mark rule 7.8) is proposed to be amended by changing "related companies", second occurrence in the second paragraph, to "relationship", and inserting "of such companies" before the period, so that the second paragraph will read as follows:

Where the mark sought to be registered is legitimately used by one or more related companies at the time of the filing of the application, the declaration (§ 100.74) must recite exceptions to the averment of the exclusive right to use the mark, stating the nature of such relationship and, if practicable, the names and addresses of such companies.

7. Section 100.81 (Trade-mark rule 8.1) is proposed to be amended to read as follows:

§ 100.81 *Proof of distinctiveness under section 2 (f).* When registration is sought under section 2 (f) of the act, the statement shall allege that registration is requested on the Principal Register in accordance with that section.

If the claim of distinctiveness is based on substantially exclusive and continuous use of the mark by the applicant for the period of five years next preceding the filing of the application, in commerce which may lawfully be regulated by Congress, the application shall include in the statement an allegation to that effect; but further evidence showing that the mark was so used, and that it has become distinctive, may be required.

If the allegation of distinctiveness is not based on substantially exclusive use over the five-year period specified in the preceding paragraph, but is based on other facts or circumstances, proof of distinctiveness must be submitted separately and should accompany the application. In such cases the statement shall set forth that the mark is alleged to have become distinctive of applicant's goods in commerce which may lawfully be regulated by Congress as evidenced by proof separately submitted.

When the claim of distinctiveness is added to the statement subsequently to the filing of the application, it must be verified by the applicant.

8. Paragraph (e) of § 100.92 (Trade-mark rule 9.2 (e)) is proposed to be amended to read as follows:

(e) *Extraneous matter.* An attorney's or agent's signature may appear upon the face of the drawing below the name of the applicant, but extraneous matter must not appear upon the face of the drawing within or without the marginal line.

9. Section 100.103 (Trade-mark rule 10.3) is proposed to be amended to read as follows:

§ 100.103 *Specimens or facsimiles in the case of a service mark.* In the case of service marks, specimens or facsimiles as specified in §§ 100.101 and 100.102, of the mark as used in the sale or advertising of the services shall be furnished unless impossible from the nature of the mark or the manner in which it is used, in which event some other representation acceptable to the Commissioner must be submitted.

In the case of service marks not used in printed or written form, three single face, unbreakable, disc recordings will be accepted. The speed at which the recordings are to be played must be specified thereon. If facilitities are not available to the applicant to furnish recordings of the required type, the Patent Office may arrange to have made, upon request, and at applicant's expense, the necessary disc recordings from any type of recording the applicant submits.

10. Section 100.132 (Trade-mark rule 13.2) is proposed to be amended to read as follows:

§ 100.132 *Amendments to description or drawing.* Amendments to the description or drawing of the mark may be permitted only if warranted by the specimens (or facsimiles) as originally filed, or supported by additional specimens (or facsimiles) and a supplemental affidavit alleging that the amended mark was in actual use prior to the filing date of the application, but may not be made if the nature of the mark is changed thereby.

11. Section 100.135 (Trade-mark rule 13.5) is proposed to be amended to read as follows:

§ 100.135 *Amendment to change application to different register.* An application for registration on the Principal Register may be changed to an application for registration on the Supplemental Register and vice versa by amending the application to comply with the regulations in this part relating to the requirements for registration on the appropriate register, as the case may be. The original filing date may be considered for the purpose of proceedings in the Patent Office provided the application as originally filed was sufficient for registration on the register to which converted. Otherwise, the filing date of the amendment will be considered the filing date of the application so converted. Only one such conversion will be permitted after an action by the examiner.

12. Section 100.141 (Trade-mark rule 14.1) is proposed to be amended by inserting ", including lard," after "products" in the third paragraph so that said paragraph will read as follows:

Labels for meat products, including lard, (Class 46) which are subject to Federal inspection, must be approved by the Meat Inspection Division, Bureau of Animal Industry, Department of Agriculture.

13. Section 100.161 (Trade-mark rule 16.1) is proposed to be amended as follows:

a. Add the following heading to the table appearing in the section: "Classification of Goods".

b. Change the title of Class 4 in the table to read "Abrasives and polishing materials."

c. Change the title of Class 6 in the table to read "Chemicals and chemical compositions."

d. Cancel Class 55, Services (Temporary), the last item in the table.

e. Establish the following new classes:

18 Medicines and pharmaceutical preparations.
51 Cosmetics and toilet preparations.
52 Detergents and soaps.

f. Establish the following classification of services:

CLASSIFICATION OF SERVICES

100 Miscellaneous.
101 Advertising and business.
102 Insurance and financial.
103 Construction and repair.
104 Communication.
105 Transportation and storage.
106 Material treatment.
107 Education and entertainment.

14. Section 100.202 (Trade-mark rule 20.2) is proposed to be amended to read as follows:

§ 100.202 *Extension of time.* A request to extend the time for filing a notice of opposition must be received in the Patent Office before the expiration of thirty days from the date of publication, and should be accompanied by a showing of good cause for the extension requested and specify the period of extension desired. In the event circumstances do not permit submission of such showing of good cause with the request, it should be furnished as promptly as possible and, in any event, within ten days after submission of such request.

15. Section 100.212 (Trade-mark rule 21.2) is proposed to be amended by adding the following sentence at the end of the first paragraph: "Applications to cancel different registrations owned by the same party may be joined in one petition when appropriate, but the fee for each application to cancel a registration must accompany the petition." so that the first paragraph will read as follows:

The petition to cancel must allege facts tending to show why the petitioner believes he is or will be damaged by the registration, state the specific grounds for cancellation, and indicate the respondent party to whom notice shall be sent. The petition must be verified by the petitioner. A duplicate copy of the petition, an abstract of title of the mark sought to be cancelled or an order for a title report for Office use, and two specimens (or facsimiles) of the mark actually used by the petitioner, if there be such, shall be filed with the petition. Applications to cancel different registrations owned by the same party may be joined in one petition when appropriate, but the fee for each application to cancel a registration must accompany the petition.

16. Section 100.238 (Trade-mark rule 23.8) is proposed to be amended by changing the words "the Examiner of Interferences" appearing in the first paragraph to "such examiner", so that the first paragraph will read as follows:

Motions shall be made in writing and shall contain a full statement of the grounds therefor. Oral hearings will not be held on motions except on order of the Examiner having jurisdiction. Briefs in support of or in opposition to motions shall be filed on dates set by such examiner and, if not so filed, consideration thereof may be refused.

17. Section 100.241 (Trade-mark rule 24.1) is proposed to be amended by adding the following sentence at the end thereof: "Only a single copy of each brief need be filed."

18. Section 100.243 (Trade-mark rule 24.3) is proposed to be amended to read as follows:

§ 100.243 *New matter suggested by Examiner of Trade-Marks.* If, during the pendency of a contested or inter partes case, facts appear which in the opinion of the Examiner of Trade-Marks render the mark of any applicant involved unregistrable, the attention of the Examiner of Interferences shall be called thereto. The Examiner of Interferences may suspend the proceeding and refer the case to the Examiner of Trade-Marks for his determination of the question of registrability, following the final determination of which the case shall be returned to the Examiner of Interferences for such further action as may be appropriate. The consideration of such facts by the Examiner of Trade-Marks shall be ex parte, but a copy of the action of the Examiner will be furnished to the other party or parties to the inter partes proceedings.

19. Section 100.244 (Trade-mark rule 24.4) is proposed to be amended by changing the words "an affidavit" to "a statement," so that said section will read as follows:

§ 100.244 *Failure to take testimony.* Upon the filing of a statement by any party in the position of a defendant, that the time for taking testimony on behalf of any party in the position of plaintiff has expired and that no testimony has been taken by him and no other evidence offered, an order may be entered that such party show cause within a time set therein, not less than ten days, why judgment should not be rendered against him, and in the absence of a showing of good and sufficient cause judgment may be rendered as by default.

20. Section 100.247 (Trade-mark rule 24.7) is proposed to be amended by deleting the phrase "judgment may be entered against said party;" and by changing the period to a comma and adding: "but judgment may be entered against said party when warranted by the issues raised," so that said section will read as follows:

§ 100.247 *Abandonment of application, abandonment or disclaimer in whole of mark, concession of priority.* If an applicant involved in a contested proceeding files a written abandonment of the application, or abandonment of the mark, or if a registrant applies to disclaim the mark in whole under section 7 (d) of the act and such disclaimer is permitted, or if a party to an interference files a written concession of priority, the proceeding will not be dismissed or dissolved at the request of said party unless with the consent of the other parties, but judgment may be entered against said party when warranted by the issues raised.

21. Section 100.301 (Trade-mark rule 30.1) is proposed to be amended by deleting the last paragraph thereof.

22. Section 100.341 (Trade-mark rule 34.1) is proposed to be amended to read as follows:

§ 100.341 *New certificate on change of ownership.* In case of change of ownership of a registered mark, a new certificate of registration may be issued in the name of the assignee for the unexpired part of the original period, at the request of the assignee. The assignment must be recorded in the Patent Office, and the request for the new certificate must be signed by the assignee and accompanied by the required fee and by an abstract of title or an order for title report for Office use. The certificate of registration or, if said certificate is lost or destroyed, a certified copy thereof, must also be submitted.

23. Section 110.1 (Trade-mark form 1) is proposed to be amended by adding the following note to the notes at the end of the form:

(5) For applications under section 2 (f)

(a) If the claim of distinctiveness is based on five years' use, add the following paragraph.

The mark is claimed to have become distinctive of the applicant's goods in commerce which may lawfully be regulated by Congress through substantially exclusive and continuous use thereof a a mark by the applicant in commerce (specify the kind of commerce) for the five years next preceding the date of the filing of this application.

(b) If the claim of distinctiveness based on five years' use is supplemented by further evidence, add the following paragraph:

Proof of distinctiveness under section 2 (f) of the act is supplemented by further evidence submitted in this case.

(c) If the claim of distinctiveness is based on other facts or circumstances, add the following paragraph:

The mark is claimed to have become distinctive of the applicant's goods in commerce which may lawfully be regulated by Congress as supported by evidence separately submitted in this case.

[SEAL] LAWRENCE C. KINGSLAND,
Commissioner of Patents.

Approved:

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 49-6180; Filed, July 28, 1949; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

PARTIALLY REVOKING SMALL TRACT CLASSIFICATION ORDER NO. 128

Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319 dated July 19, 1948 (43 C. F. R. 50.451 (b) (3), 13 F. R. 4278), Classification Order 128, dated March 9, 1949 (14 F. R. 1336) is hereby revoked as to the following described lands, which are embraced in a right-of-way for a pipe line:

T. 24 S., R. 43 E., M. D. M.,
Sec. 32, N½SE¼NE¼SW¼, SE¼SE¼NE¼SW¼, S½SW¼NW¼SE¼, NE¼NW¼SW¼SE¼, W½NE¼SW¼SE¼, SE¼NE¼SW¼SE¼.

22.5 acres.

L. T. HOFFMAN,
Regional Administrator.

JULY 20, 1949.

[F. R. Doc. 49-6182; Filed, July 28, 1949; 8:49 a. m.]

[Order 393]

CHANGE IN LOCATION OF PUBLIC SURVEY OFFICE IN MONTANA

JULY 28, 1949.

It is hereby ordered, That, effective at the close of business on July 29, 1949, the location of the United States Public Survey Office in Montana shall be changed from Helena to Billings.

ROSCOE E. BELL,
Associate Director.

[F. R. Doc. 49-6256; Filed, July 28, 1949; 11:55 a. m.]

Office of the Secretary

[Order 2509, Amdt. 2]

DELEGATIONS OF AUTHORITY; GENERAL

LIQUIDATED DAMAGES AND TORT CLAIMS

JULY 22, 1949.

1. A new section, numbered 27 and reading as follows, is added to Order No. 2509 immediately following section 26:

SEC. 27. *Liquidated damages.* If the Solicitor of the Department of the Interior determines that, as a matter of justice and equity, all or any part of the liquidated damages which have been assessed because of delay against a party to a contract made by the Department of the Interior or one of its agencies on behalf of the Government should be remitted, he is authorized to recommend to the Comptroller General that such a remission be made. (Secs. 306, 307, Pub. Law 152, 81st Cong.)

2. Section 21 of Order No. 2509 is amended so as to read as follows:

SEC. 21. *Tort claims.* (a) The Solicitor of the Department of the Interior may exercise all the authority conferred upon the Secretary of the Interior by 28 U. S. C., secs. 2671–2680.

(b) The Regional Counsels of the Bureau of Indian Affairs, of the Bureau of Land Management, of the Bureau of Reclamation, and of the National Park Service, the General Counsel of the Bonneville Power Administration, the Chief Counsel of the Southwestern Power Administration, and the Counsel of The Alaska Railroad are severally authorized to consider, ascertain, adjust, determine, and settle, pursuant to the provisions of 28 U. S. C., sec. 2672, any claim not exceeding $1,000 against the United States based upon a negligent or wrongful act or omission of an employee of the Department of the Interior, and, without considering its merits, to reject any tort claim which is for an amount in excess of $1,000.

(c) Any claimant who is dissatisfied with a determination made under paragraph (b) of this section regarding his claim may take an appeal to the Solicitor of the Department of the Interior within 15 days after receiving notice of such determination. Written notice of his desire to take an appeal shall be given by the claimant to the official who made the determination upon his claim, and such official shall thereupon promptly transmit to the Solicitor all documents and other data relating to the claim. (5 U. S. C., 1946 ed., sec. 22; 28 U. S. C., sec. 2672)

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

[F. R. Doc. 49-6181; Filed, July 28, 1949; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9384]

UNITED FARMERS' TELEPHONE AND TELEGRAPH CO., AND INTERSTATE TELEGRAPH CO.

ORDER ASSIGNING APPLICATION FOR PUBLIC HEARING

In the matter of the application of The United Farmers' Telephone and Telegraph Company and Interstate Telegraph Company for a certificate under section 221 (a) of the Communications Act of 1934, as amended; File No. P-C-2212, Docket No. 9384.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C. on the 20th day of July 1949;

The Commission, having under consideration the joint application filed by The United Farmers' Telephone and Telegraph Company, Gardnerville, Nevada, and Interstate Telegraph Company, Riverside, California, for a certificate under section 221 (a) of the Communications Act of 1934, as amended, that the proposed consolidation of The United Farmers' Telephone and Telegraph Company with the Interstate Telegraph Company, will be of advantage to persons to whom service is to be rendered and in the public interest;

It is ordered, That, pursuant to the provisions of section 221 (a) of the Communications Act of 1934, as amended, the above application is assigned for public hearing for the purpose of determining whether the proposed consolidation will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is further ordered, That the hearing upon the said application shall be held at the offices of the Commission in Washington, D. C. beginning at 10:00 A. M. on the 30th day of August, 1949, and that a copy of this order be served on The United Farmers' Telephone and Telegraph Company, Interstate Telegraph Company, the Governors of Nevada and California, the Public Service Commission of Nevada, the Public Utilities Commission of California, and also the Postmaster and the city of Gardnerville, Nevada, and the Postmaster and the city of Riverside, California;

It is further ordered, That within five days after the receipt from the Commission of a copy of this order, the applicants herein shall cause a copy to be published in a newspaper or newspapers having general circulation in the areas served by The United Farmers' Telephone and Telegraph Company and the Interstate Telegraph Company, and shall furnish proof of such publication at the hearing herein.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-6205; Filed, July 28, 1949; 8:52 a. m.]

[Docket No. 9072]

OLNEY BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING

In re application of Robert E. Thompson and Sidney R. Sanders, d/b as Olney Broadcasting Company, Olney, Texas, Docket No. 9072, File No. BP-6767; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of July 1949;

The Commission having under consideration the above-entitled application requesting a permit to construct a new standard broadcast station to operate on the frequency 1590 kilocycles, with 250 watts power, daytime only, at Olney, Texas;

It appearing, that, on the basis of information contained in the above-entitled application, the applicant partnership and the partners thereof are legally, financially, technically and otherwise qualified to operate the station as proposed;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Olney Broadcasting Company is designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to the assignment of a Class IV station to a regional channel.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-6206; Filed, July 28, 1949; 8:52 a. m.]

[Docket No. 9390]

IDAHO RADIO CORP. (KID)

ORDER DESIGNATING APPLICATION FOR HEARING

In re application of Idaho Radio Corporation (KID), Idaho Falls, Idaho, Docket No. 9390, File No. BMP-3308; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of July 1949;

The Commission having under consideration the above-entitled application for a construction permit to change the facilities of Station KID, Idaho Falls, Idaho, from the present facilities of 1350 kilocycles, with a power of 500 watts 5 kilowatts, LS, unlimited time, to 590 kilocycles, with a power of 1 kilowatt-5 kilowatts, LS, unlimited time; and

It appearing, that the applicant corporation, its officers, directors and stockholders are legally, technically, financially and otherwise qualified to operate Station KID as proposed, but that the application may involve objectionable interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KID as proposed and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of Station KID as proposed would involve objectionable interference with Stations WOW, Omaha, Nebraska; KFXM, San Bernardino, California; KSUB, Cedar City, Utah, and KHQ, Spokane, Washington, or with any other existing broadcast stations, with particular reference as to whether the protection angle of the proposed operation is sufficient to adequately protect the nighttime service area of Station KHQ, and, if there is objectionable interference, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of Station KID as proposed would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the installation and operation of station KID as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to the ratio of the population within the area between the normally protected and the interference-free contours to the population which would receive satisfactory service.

It is further ordered, That Radio Station WOW, Inc., licensee of station WOW, Omaha, Nebraska; Lee Bros. Broadcasting Co., licensee of station KFXM, San Bernardino, California; Southern Utah Broadcasting Co., licensee of station KSUB, Cedar City, Utah, and KHQ, Inc., licensee of station KHQ, Spokane, Washington, are made parties to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-6207; Filed, July 28, 1949; 8:53 a. m.]

[Docket No. 9317]

EASTLAND COUNTY BROADCASTING CO.

ORDER DELETING ISSUES

In re application of Dan Childress, et al. d/b as Eastland County Broadcasting Company, Eastland, Texas, Docket No. 9317, File No. BP-5688; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of July 1949;

The Commission having under consideration the above-entitled application for a permit to construct a new standard broadcast station at Eastland, Texas, to operate on 730 kilocycles, 250 watts power, daytime only;

It appearing, that the said application was designated for hearing May 16, 1949, to determine, inter alia, the extent of the objectionable interference involved with an existing station and with pending applications;

It further appearing, that, from information supplied in the application, the applicant partnership and individual partners are legally, technically, financially and otherwise qualified to construct and operate the proposed station, and that the type and character of the program service proposed to be rendered would meet the requirements of the populations and areas proposed to be served;

It is ordered, That the Commission's order of May 16, 1949, designating the above-entitled application for hearing is amended to show the deletion of issues nos. 1. and 3. therefrom.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-6208; Filed, July 28, 1949; 8:53 a. m.]

[Designation Order 36]

DESIGNATION OF MOTIONS COMMISSIONER FOR AUGUST 1949

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of July, 1949;

It is ordered, Pursuant to section 0.111 of the Statement of Delegations of Authority, that Freida B. Hennock, Commissioner, is hereby, designated as Motions Commissioner for the month of August, 1949.

It is further ordered, That in the event said Motions Commissioner is unable to act during any part of said period the Chairman or Acting Chairman will designate a substitute Motions Commissioner.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-6209; Filed, July 28, 1949; 8:53 a. m.]

[Docket Nos. 9391, 9392]

PASS BROADCASTING CO. (KPAS) AND BROADCASTING CORP. OF AMERICA (KREO)

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of William T. Smith and David Robbins d/b as Pass Broadcasting Company (KPAS), Banning Cali-

fornia, Docket No. 9391, File No. BP-7143; Broadcasting Corporation of America (KREO), Indio, California, Docket No. 9392, File No. BP-7144; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of July 1949;

The Commission having under consideration the above-entitled applications of William T. Smith and David Robbins d/b as Pass Broadcasting Company for a construction permit to change the facilities of station KPAS, Banning, California, from 1490 kc., 250 w., Unlimited time to 1380 kc., 500 w.—1 kw. LS, DA-N, Unlimited time and of the Broadcasting Corporation of America for a construction permit to change the facilities of station KREO, Indio, California, from 1400 kc., 250 w., Unlimited time to 1380 kc., 1 kw., DA-2, Unlimited time;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial and other qualifications of the applicant partnership and partners to construct and operate station KPAS as proposed and the technical, financial and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate station KREO as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of stations KPAS and KREO as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of stations KPAS and KREO as proposed would involve objectionable interference with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of stations KPAS and KREO as proposed would involve objectionable interference with each other or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of stations KPAS and KREO as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to the nighttime coverage of Station KPAS as proposed.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-6210; Filed, July 28, 1949; 8:53 a. m.]

[Docket No. 9393, 9394]

KWHK BROADCASTING CO., INC., AND HUTCHINSON PUBLISHING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of KWHK Broadcasting Company, Inc. (KWHK) Hutchinson, Kansas, Docket No. 9393, File No. BP-6831; The Hutchinson Publishing Company, Hutchinson, Kansas, Docket No. 9394, File No. BP-7253; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of July 1949;

The Commission having under consideration the above-entitled applications of KWHK Broadcasting Company, Inc. for a construction permit to change facilities of Station KWHK, Hutchinson, Kansas, from 1190 kc., 1 kw., daytime to 1260 kc., 1 kw., unlimited, and to employ a new directional antenna for day and night operation and of The Hutchinson Publishing Company for a permit to construct a new standard broadcast station in Hutchinson, Kansas, to operate on frequency 1260 kc., 1 kw., power, unlimited time of operation using directional antenna day and night.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant corporation, The Hutchinson Publishing Company, its officers, directors and stockholders to construct and operate the proposed station and the technical, financial and other qualification of the applicant corporation, KWHK Broadcasting, Inc., its officers, directors and stockholders to construct and operate Station KWHK, as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and Station KWHK as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of the program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station and Station KWHK as proposed would involve objectionable interference with Station KAKE, Wichita, Kansas, or with any other existing broadcast station and, if so, the nature and extent thereof, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station and Station KWHK as proposed would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station and Station KWHK as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to the suitability of the transmitter site.

7. To determine the overlap, if any, that may exist between the areas of the proposed station and of Stations KFBI, Wichita, Kansas, and KSAL, Salina, Kansas, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

8. To determine whether the operation of the proposed station and Station KWHK as proposed would involve any interference to Station KEMF, Monclova, Coahuila, Mexico, and, if so, whether such interference would be in contravention of any international agreement or the Commission's rules and standards.

9. To determine which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That KAKE Broadcasting Company, Inc., licensee of Station KAKE, Wichita, Kansas, is made a party to the proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-6211; Filed, July 28, 1949; 8:53 a. m.]

[Docket Nos. 9135, 9395]

PASADENA PRESBYTERIAN CHURCH (KPPC) AND POMONA BROADCASTERS

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Pasadena Presbyterian Church (KPPC) Pasadena, California, Docket No. 9135, File No. BP-6566; and LeRoy R. Haynes, tr/as Ponoma Broadcasters, Pomona, California, Docket No. 9395, File No. BP-7236; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of July 1949;

The Commission having under consideration the above-entitled applications of Pasadena Presbyterian Church requesting authorization to increase the power Station KPPC, operating on 1240 kc., specified hours at Pasadena, California, from 100 watts to 250 watts and of LeRoy Haynes, tr/as Pomona Broadcasters which request a construction

permit for a new standard broadcast station to operate on the frequency 1250 kc., with 250 watts power, daytime only, at Pomona, California; and

It appearing, that the Commission, on August 19, 1948, designated for hearing the above-entitled application of Pasadena Presbyterian Church and that Ben S. McGlashan, licensee of Station KGFJ, Los Angeles, California, and Western Empire Broadcasters, Inc., licensee of Station KRNO, San Bernardino, California, were made parties thereto; and

It further appearing, that the Commission, on September 24, 1948, granted a timely petition of The Studebaker Broadcasting Company, licensee of Station KSON, San Diego, California, requesting leave to intervene in the hearing upon the above-entitled application of The Pasadena Presbyterian Church; and

It further appearing, that the hearing on the above-entitled application of The Pasadena Presbyterian Church was started at 10:00 a. m., June 6, 1949, and that said hearing has been continued until July 28, 1949; and

It further appearing, that the above-entitled application of LeRoy R. Haynes, tr/as Pomona Broadcasters was filed May 17, 1949; and

It further appearing, that the operations of Station KPPC, as proposed and the proposed station would involve mutual objectionable interference;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of LeRoy R. Haynes, tr/as Pomona Broadcasters is designated for hearing in consolidation with the proceeding now being held on the application of Pasadena Presbyterian Church upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the individual applicant to construct and operate the proposed station and the technical and financial qualifications of the Pasadena Presbyterian Church to operate Station KPPC as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service to be rendered and whether it would meet the requirement of the populations and areas to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Stations KGFJ, Los Angeles, California, KRNO, San Bernardino, California, and KTMS, Santa Barbara, California, or with any other existing broadcast stations or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

6. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's order of August 19, 1949, designating for hearing the above-entitled application of Pasadena Presbyterian Church is amended to include Issues 1 through 6 herein; and

It is further ordered, That Ben S. McGlashan, licensee of Station KGFJ, Los Angeles, California, Western Empire Broadcasters, Inc., licensee of Station KRNO, San Bernardino, California, and News Press Publishing Company, licensee of Station KTMS, Santa Barbara, California, are made parties to this proceeding for all purposes.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-6212; Filed, July 28, 1949; 8:53 a. m.]

[Docket Nos. 6737, 8454, 8850, 8851, 9110, 9309, 9310, 9511, 9396, 9397, 9398, 9399, 9400, 9401]

SOUTHERN CALIFORNIA BROADCASTING CO. (KWKW) ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Marshall S. Neal, Paul Buhlig, E. T. Foley and Edwin Earl, d/b as Southern California Broadcasting Company (KWKW), Pasadena, California, Docket No. 6737, File No. BP-3710; George W. Berger, George A. Raymer, Fred Forgy and John W. Swallow, d/b as Orange County Broadcasting Company, Santa Ana, California, Docket No. 8454, File No. BP-5936; William Odessky and Lee A. Odessky, d/b as William and Lee A. Odessky, Los Angeles, California, Docket No. 8850, File No. BP-6023; Leland Holzer, Los Angeles, California, Docket No. 8851, File No. BP-6372; Leon E. Sidebottom, Dawn J. Jackson, Walter S. Murra, Paul E. Kain, Glenn E. Jackson and Karl Jackson, d/b as Airtone Company, Santa Ana, California, Docket No. 9110, File No. BP-6021; H. M. McCollum, tr/as South Bay Broadcasting Company, Hermosa Beach, California, Docket No. 9309, File No. BP-6305; Vernon D. Smith, tr/as Public Service Broadcasters, Riverside, California, Docket No. 9310, File No. BP-7046; William O. Egerer and Peter C. Verdill, d/b as South Bay Broadcasters, Hermosa Beach, California, Docket No. 9311, File No. BP-7133; Beverly Hills Broadcasting Corporation, Beverly Hills, California, Docket No. 9396, File No. BP-5499; James J. Krouser and Lloyd F. Kreamer, d/b as Krouser and Kreamer, Oxnard, California, Docket No. 9397, File No. BP-5765; Isador Gralla and Jay Gralla, d/b as Gralla and Gralla, Tujunga, California, Docket No. 9398, File No. BP-6763; John R. Martin and D. V. O'Brien, d/b as Beverly Hills Broadcasters, Beverly Hills, California, Docket No. 9399, File No. BP-7047; J. Bruce Taylor, Sr., tr/as Long Beach Broadcasters, Long Beach, California Docket No. 9400, File No. BP-7048; Cannon System, Ltd. (KIEV), Glendale, California, Docket No. 9401, File No. BP-7260; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of July 1949;

The Commission having under consideration (1) the above-entitled application of Cannon System, Ltd., to increase the power of Station KIEV, Glendale, California, presently operating on 870 kilocycles, daytime only, from 250 watts to 10 kilowatts; (2) the above-entitled daytime only clear channel applications of Beverly Hills Broadcasting Corporation, requesting 830 kilocycles, 5 kilowatts power, at Beverly Hills, California; Krouser and Kreamer, requesting 830 kilocycles, 1 kilowatt power, at Oxnard, California; Gralla and Gralla, requesting 840 kilocycles, 250 watts power, at Tujunga, California; Beverly Hills Broadcasters, requesting 840 kilocycles, 1 kilowatt power, at Beverly Hills, California, and Long Beach Broadcasters, requesting 810 kilocycles, 1 kilowatt power, at Long Beach, California; and (3) a petition, filed April 5, 1949, by the American Broadcasting Company, Inc (KECA), to designate the above-entitled application of Long Beach Broadcasters for hearing and to make petitioner a party thereto;

It appearing that on May 5, 1949, the above-entitled applications of William and Lee A. Odessky, Leland Holzer, South Bay Broadcasting Company, Public Service Broadcasters and South Bay Broadcasters were designated for hearing in a consolidated proceeding presently scheduled to commence August 1, 1949, at Los Angeles, California; and

It further appearing, that on August 4, 1948, the above-entitled applications of Airtone Company, Orange County Broadcasting Company and Southern California Broadcasting Company were designated for hearing in a consolidated proceeding with an adjacent channel application which was subsequently dismissed at which time the hearing on the remaining applications was continued indefinitely pending a decision in the daytime skywave hearing (Docket No. 8333); and

It further appearing, that the above-entitled mutually exclusive applications of Beverly Hills Broadcasting Corporation Krouser and Kreamer, Gralla and Gralla, Beverly Hills Broadcasters and Long Beach Broadcasters, involve mutually objectionable interference with the above-entitled applications of Airtone Company, Orange County Broadcasting Company and the Southern California Broadcasting Company (KWKW); and

It further appearing, that the instant application of Cannon System Ltd., would involve mutually exclusive interference with the above-entitled applications of Orange County Broadcasting Company, William and Lee A. Odessky, Leland Holzer, Airtone Company, South Bay Broadcasting Company, South Bay Broadcasters, Gralla and Gralla and Beverly Hills Broadcasters and would involve interference of an amount normally considered as a basis for hearing with the

above-entitled application of Public Service Broadcasters; and

It further appearing, that the above-entitled applications of Gralla and Gralla, Beverly Hills Broadcasters, Beverly Hills Broadcasting Company, Krouser and Kreamer and Long Beach Broadcasters are presently in the pending file awaiting a decision in the daytime skywave hearing (Docket No. 8333); and

It further appearing, that the above-entitled application of Long Beach Broadcasters would involve an overlap of the 25 mv/m contours with Station KECA, Los Angeles, California;

It is ordered, That, pursuant to section 309 (a) of the Communications Act, as amended, the said applications of Gralla and Gralla, Beverly Hills Broadcasters, Beverly Hills Broadcasting Company, Krouser and Kreamer and Long Beach Broadcasters are removed from the pending file and together with the said application of Cannon System, Ltd., are designated for hearing in a consolidated proceeding with the applications previously designated for hearing by Commission Order of August 4, 1948, to wit; Airtone Company, Orange County Broadcasting Company and Southern California Broadcasting Company; and by Commission Order of May 5, 1949, to wit; Leland Holzer, William and Lee A. Odessky, South Bay Broadcasting Company, Public Service Broadcasters and South Bay Broadcasters; upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the individual applicant; the applicant partnerships and partners and the applicant corporation, its officers, directors and stockholders to construct and operate the proposed stations and the technical, financial and other qualifications of the applicant, Cannon System, Ltd., to construct and operate Station KIEV as proposed.

2. To determine the circumstances surrounding the filing and prosecution of the applications of John R. Martin and D. V. O'Brien, d/b as Beverly Hills Broadcasters, and J. Bruce Taylor, Sr., tr/as Long Beach Broadcasters, with particular reference as to whether full disclosure of all parties in interest has been made.

3. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations and Station KIEV as proposed and the character of other broadcast service available to those areas and populations.

4. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

5. To determine whether the operation of the proposed stations and Station KIEV as proposed would involve objectionable interference with any existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the operation proposed in the application of J. Bruce Taylor, Sr., tr/as Long Beach Broadcasters, would involve an overlap of 25 mv/m contours with Station KECA, Los Angeles, California.

7. To determine whether the operation of the proposed stations and Station KIEV as proposed would involve objectionable interference with the other applications in this proceeding or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

8. To determine whether the operation of Station KIEV as proposed would involve objectionable interference, as defined in the North American Regional Broadcasting Agreement, with Station XEMO, Tijuana, Mexico, or any other existing foreign broadcast station, and the nature and extent of such interference.

9. To determine whether the installation and operation of the proposed stations and Station KIEV as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

10. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That, the Commission's orders of March 18, 1948, May 5, 1949 and June 30, 1949, designating the above-entitled applications of Leland Holzer, William and Lee A. Odessky, South Bay Broadcasting Company, Public Service Broadcasters and South Bay Broadcasters for hearing is amended to include the above-entitled applications of Airtone Company, Orange County Broadcasting Company, Southern California Broadcasting Company (KWKW), Beverly Hills Broadcasting Company, Krouser and Kreamer, Gralla and Gralla, Beverly Hills Broadcasters, Long Beach Broadcasters and Cannon System, Ltd.; and the pertinent issues herein.

It is further ordered, That, if, as a result of the consolidated proceeding, it appears that, were it not for the issues pending in the hearing regarding clear channels (Docket No. 6741) and in the hearing regarding daytime skywave transmissions (Docket No. 8333) and the Commission's policy pertaining thereto as announced in the Public Notices of August 9, 1946, and May 8, 1947, the public interest would be best served by a grant of one or more of the above-entitled applications other than that of William and Lee A. Odessky, then such application or applications shall be returned to the pending file until after conclusion of the said hearings regarding clear channels and daytime skywave transmissions.

It is further ordered, That, the hearings in the above-entitled proceeding now scheduled to commence August 1, 1949, at Los Angeles, California, is continued to September 19, 1949, at Washington, D. C., on engineering issues only.

It is further ordered, That the petition of the American Broadcasting Company, Inc., licensee of Station KECA, Los Angeles, California, is granted, and the petitioner is made a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 49-6213; Filed, July 28, 1949; 8:54 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2787]

BARNHART-MORROW CONSOLIDATED

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 19th day of July A. D. 1949.

In the matter of proceeding under section 19 (a) (2) of the Securities Exchange Act of 1934 to determine whether the registration of Barnhart-Morrow Consolidated, Common Capital Stock, $1 par value should be suspended or withdrawn. File No. 1-2787.

The Commission having on June 7, 1949, pursuant to section 19 (a) (2) of the Securities Exchange Act of 1934 issued its order for and notice of hearing and statement of issues ordering that a hearing be held on July 19, 1949, for the purpose of taking evidence in the above entitled matter, particularly whether the issuer has failed to comply with the provisions of section 13 of the Securities Exchange Act of 1934, the former Rules X-13A-1 and X-13A-2 (now reenacted, in effect, as Rules X-13A-1 and X-12B-10, respectively) and Regulation S-X which were promulgated thereunder and with Section 32 (a) of such act and whether, pursuant to section 19 (a) (2) of such act, it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of the Common Capital Stock of the issuer on the Los Angeles Stock Exchange; and

The Los Angeles Stock Exchange having requested that the hearing be postponed and the Commission deeming it appropriate that said request for postponement be granted:

It is ordered, That the hearing in this matter previously scheduled for July 19, 1949, be and hereby is postponed to August 30, 1949, at 10:00 a. m. California time at the offices of the Securities and Exchange Commission located at Room 1737, U. S. Post Office and Courthouse, No. 312 North Spring Street, Los Angeles 12, California. Mr. Richard Townsend is hereby designated and assigned as Hearing Officer in this proceeding and is authorized to exercise the powers and perform the duties specified in Rule V of the rules of practice of the Securities and Exchange Commission.

It is further ordered, That the time when any person desiring to be heard in connection with these proceedings shall file with the Hearing Officer or Secretary of the Commission, No. 425 Second Street NW., Washington 25, D. C., his application therefor as provided by Rule XVII of the rules of practice of the Commis-

sion, be extended to and including August 25, 1949.

It is further ordered, That notice of the postponement of such hearing shall be given to Barnhart-Morrow Consolidated and to the Los Angeles Stock Exchange by registered mail and to any other person or persons whose participation in such proceedings may be necessary or appropriate in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-6183; Filed, July 28, 1949; 8:46 a. m.]

[File No. 70-2183]

UNITED GAS CORP. AND UNITED GAS PIPE LINE CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 25th day of July A. D. 1949.

Notice is hereby given that United Gas Corporation ("United"), a gas utility subsidiary of Electric Bond and Share Company, a registered holding company and its wholly owned subsidiary, United Gas Pipe Line Company ("Pipe Line"), have filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935 and have designated sections 6 (a), 7, 9 (a), 10 and 12 thereof and Rule U-43 (a) of the rules and regulations promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

United proposes to lend to Pipe Line an amount aggregating not in excess of $8,000,000 during a period of one year from the date of the Commission's order herein in such installments and at such time as funds may be required by Pipe Line and requested from United, such funds to be used in connection with Pipe Line's construction and development program. Such loans will be evidenced by promissory notes issued by Pipe Line to United or order payable on or before six years from the date of issue of such notes and bearing interest at the rate of 3% per annum, payable semi-annually. United proposes to retain such notes as are issued by Pipe Line in its investment portfolio, subject to the provisions of United's Mortgage and Deed of Trust dated as of October 1, 1944, as supplemented.

The application-declaration indicates that construction expenditures of Pipe Line for the year 1949 will aggregate $18,246,000 and that its total cash requirements for the year will be $24,624,000, while the estimated cash available for the year 1949 is $16,617,000. United, as of May 1, 1949, had cash and short-term government securities in the amount of $23,466,000, and the application-declaration indicates that after making the proposed loans to Pipe Line, United's cash position at the end of the year will be approximately $10,190,000.

Applicants-declarants request that the order herein be effective forthwith upon its issuance.

Notice is further given that any interested person may not later than August 8, 1949, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after 5:30 p. m., e. d. s. t., on August 8, 1949, said application-declaration as filed, or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said application-declaration which is on file with the Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-6184; Filed, July 28, 1949; 8:46 a. m.]

UNITED STATES TARIFF COMMISSION

[List No. D-6 (E)]

SPONGES

DISMISSAL OF APPLICATION

JULY 22, 1949.

The Tariff Commission divided by a vote of 3 to 3 on motion to order an investigation under the "escape clause" of trade agreements with respect to "Sponges, not specially provided for (except hardhead or reef)." Accordingly an investigation was not ordered and the application was dismissed.

[SEAL] SIDNEY MORGAN, *Secretary.*

[F. R. Doc. 49-6214; Filed, July 28, 1949; 8:58 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 13573]

LOUISE HOHENADL

In re: Stock owned by Louise Hohenadl. F-28-24124-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Louise Hohenadl, whose last known address is Kirschen, Altglashutten, Schwarzwald, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

Nine (9) shares of no par value capital stock of United Fruit Company, 1 Federal Street, Boston, Massachusetts, a corporation, organized under the laws of the State of New Jersey, evidenced by certificate numbered 89244 for three (3) shares and certificate numbered 199635 for six (6) shares, registered in the name of Mrs. Louise Hohenadl, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 18, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 49-6175; Filed, July 27, 1949; 8:59 a. m.]

[Vesting Order 13587]

MARIE BACHDOM

In re: Estate of Marie Bachdom, also known as Marie Munk, Marie Munck and Marie Mink, deceased; File No. D-28-12665; E. T. sec. 16827.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Winteroll, Karl Münk, Franz Münk, Otto Münk, Albert Münk, Ida Geis, Helene Gäpler, Ida Backof, Rosa Grimm, Gustav Geis, Wilhelm Geis, Emilie Schulz and Herman Dehm, whose last known address is Germany, are

residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Jakob Dehm, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Theresa Dehm Mayer, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Marie Bachdom, also known as Marie Munk, Marie Munck and Marie Mink, deceased is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Emil Fabry, as Administrator, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 hereof, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Jakob Dehm, and the domiciliary personal representatives, heirs, next of kin, legatees, and distributees, names unknown, of Theresa Dehm Mayer, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 13, 1949.
July 6, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-6215; Filed, July 28, 1949; 8:54 a. m.]

[Vesting Order 13542]

JAKOB NEUHART

In re: Estate of Jakob Neuhart, deceased. File No. F-28-2420; E. T. sec. 16838.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Georg Fritz Neuhart whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to the estate of Jakob Neuhart, deceased, is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Johanna Ruck, as Administratrix, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 13, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-6216; Filed, July 28, 1949; 8:54 a. m.]